



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 10 JULY 2025

CONTENTS

GOVERNOR'S INSTRUMENTS		
Appointments, Resignations and General Matters	2486	
Proclamations—		
Return to Work (Employment and Progressive Injuries) Amendment Act (Commencement) Proclamation 2025	2487	
Regulations—		
Planning, Development and Infrastructure (Fees, Charges and Contributions) (Compliance Fee) Amendment Regulations 2025—No. 56 of 2025	2488	
Return to Work (Employment and Progressive Injuries) Amendment Regulations 2025—No. 57 of 2025	2490	
Building Work Contractors (Building Indemnity Insurance) Amendment Regulations 2025—No. 58 of 2025	2493	
RULES		
Uniform Special Statutory (No 7) Amending Rules 2025	2495	
STATE GOVERNMENT INSTRUMENTS		
Associations Incorporation Act 1985	2526	
Development Act 1993	2526	
Education and Children's Services Act 2019	2532	
Energy Resources Act 2000	2628	
Fisheries Management Act 2007	2628	
Health Care Act 2008	2629	
CORRIGENDUM	2629	
Housing Improvement Act 2016	2632	
Justices of the Peace Act 2005	2633	
Land Acquisition Act 1969	2633	
Mental Health Act 2009	2634	
Mining Act 1971	2634	
Roads (Opening and Closing) Act 1991	2635	
South Australian Motor Sport Regulations 2014	2635	
Unregulated Fees and Charges	2635	
LOCAL GOVERNMENT INSTRUMENTS		
City of Adelaide	2636	
Campbelltown City Council	2636	
City of Charles Sturt	2636	
City of Mount Gambier	2637	
Rural City of Murray Bridge	2637	
City of Onkaparinga	2639	
City of West Torrens	2639	
Adelaide Hills Council	2640	
Barossa Council, The	2640	
Copper Coast Council	2640	
Naracoorte Lucindale Council	2641	
Tatiara District Council	2642	
District Council of Yankalilla	2643	

All instruments appearing in this gazette are to be considered official, and obeyed as such

GOVERNOR'S INSTRUMENTS

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 10 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Carrick Hill Trust, pursuant to the provisions of the Carrick Hill Trust Act 1985:

Member: from 10 July 2025 until 9 July 2028
Alison Sarah Field

By command,

DR SUSAN ELIZABETH CLOSE, MP
Acting Premier

25ART0007CS

Department of the Premier and Cabinet
Adelaide, 10 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Infrastructure SA Board, pursuant to the provisions of the Infrastructure SA Act 2018:

Member: from 10 July 2025 until 9 July 2028
Loretta Anne Reynolds

By command,

DR SUSAN ELIZABETH CLOSE, MP
Acting Premier

DPC25/030CS

Department of the Premier and Cabinet
Adelaide, 10 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Dr Susan Elizabeth Close, MP as Acting Minister for Aboriginal Affairs, Acting Attorney-General, Acting Minister for Industrial Relations and Public Sector and Acting Special Minister of State from 12 July 2025 until 20 July 2025 inclusive, during the absence of the Honourable Kyam Joseph Maher, MLC.

By command,

DR SUSAN ELIZABETH CLOSE, MP
Acting Premier

DPC25/029CS

Department of the Premier and Cabinet
Adelaide, 10 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Clare Michele Scriven, MLC as Acting Minister for Tourism and Acting Minister for Multicultural Affairs from 14 July 2025 until 27 July 2025 inclusive, during the absence of the Honourable Zoe Lee Bettison, MP.

By command,

DR SUSAN ELIZABETH CLOSE, MP
Acting Premier

DPC25/029CS

PROCLAMATIONS

South Australia

Return to Work (Employment and Progressive Injuries) Amendment Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Return to Work (Employment and Progressive Injuries) Amendment Act (Commencement) Proclamation 2025*.

2—Commencement of remaining provisions

The remaining provisions of the *Return to Work (Employment and Progressive Injuries) Amendment Act 2024* (No 50 of 2024) come into operation on 10 July 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 10 July 2025

REGULATIONS

South Australia

Planning, Development and Infrastructure (Fees, Charges and Contributions) (Compliance Fee) Amendment Regulations 2025

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*

- 3 Amendment of regulation 13—Development to be assessed by accredited professional
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (Fees, Charges and Contributions) (Compliance Fee) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which they are made.

Part 2—Amendment of *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*

3—Amendment of regulation 13—Development to be assessed by accredited professional

- (1) Regulation 13(2)(a)(ii)—delete subparagraph (ii) and substitute:
 - (ii) if building consent is sought, and the accredited professional has elected to collect the prescribed fee for the lodgement of an application (referred to as a *compliance fee*)—the compliance fee; and
- (2) Regulation 13(2)(b)—delete "those fees" and substitute:
 - any fees collected under paragraph (a)

(3) Regulation 13—after subregulation (3) insert:

- (3a) Despite any other provision of this regulation, if an accredited professional has not elected to collect the compliance fee in accordance with subregulation (2)(a)(ii) in respect of an application, the fee may be collected by the relevant authority responsible for issuing the final development approval for the development the subject of the application.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 10 July 2025

No 56 of 2025

South Australia

Return to Work (Employment and Progressive Injuries) Amendment Regulations 2025

under the *Return to Work Act 2014*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Return to Work Regulations 2015*

- 3 Amendment of regulation 9—Average weekly earnings (section 5 of Act)
 - 4 Insertion of regulation 9A
 - 9A Extension of section 9(2)(a) to prescribed injuries and types of work
 - 5 Insertion of regulation 13A
 - 13A Prescribed conditions (section 22(7) of Act)
 - 6 Amendment of regulation 23—Medical expenses—period of entitlement (section 33(21) of Act)
 - 7 Insertion of regulation 49A
 - 49A Prescribed conditions (section 122(6) of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Return to Work (Employment and Progressive Injuries) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which section 4 of the *Return to Work (Employment and Progressive Injuries) Amendment Act 2024* comes into operation.

Part 2—Amendment of *Return to Work Regulations 2015*

3—Amendment of regulation 9—Average weekly earnings (section 5 of Act)

Regulation 9—after its present contents (now to be designated as subregulation (1)) insert:

- (2) For the purposes of the definition of ***prescribed dust/fibre disease*** in section 5(18) of the Act, the following conditions are prescribed:
 - (a) asbestosis;
 - (b) asbestos induced carcinoma;
 - (c) asbestos related pleural disease;
 - (d) mesothelioma;
 - (e) pneumoconiosis (including silicosis) and other conditions in so far as they are caused by exposure to crystalline silica.

4—Insertion of regulation 9A

After regulation 9 insert:

9A—Extension of section 9(2)(a) to prescribed injuries and types of work

For the purposes of section 9(4) of the Act, the operation of section 9(2)(a) is extended to the following prescribed injuries and types of work:

Description of injury	Description of work
Asbestos related pleural disease	Any work involving exposure to inhalation of asbestos fibres.
Asbestos induced carcinoma	Any work involving exposure to inhalation of asbestos fibres.

5—Insertion of regulation 13A

After regulation 13 insert:

13A—Prescribed conditions (section 22(7) of Act)

For the purposes of section 22(7)(a)(ii)(A) of the Act, the following conditions are prescribed:

- (a) asbestosis;
- (b) asbestos induced carcinoma;
- (c) asbestos related pleural disease;
- (d) mesothelioma;
- (e) pneumoconiosis (including silicosis) and other conditions in so far as they are caused by exposure to crystalline silica.

6—Amendment of regulation 23—Medical expenses—period of entitlement (section 33(21) of Act)

Regulation 23(1)—before paragraph (a) insert:

- (aaa) asbestosis;
- (aa) mesothelioma;

7—Insertion of regulation 49A

After regulation 49 insert:

49A—Prescribed conditions (section 122(6) of Act)

For the purposes of section 122(6)(a)(ii)(A) of the Act, the following conditions are prescribed:

- (a) asbestosis;
- (b) asbestos induced carcinoma;
- (c) asbestos related pleural disease;
- (d) mesothelioma;

- (e) pneumoconiosis (including silicosis) and other conditions in so far as they are caused by exposure to crystalline silica.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 10 July 2025

No 57 of 2025

South Australia

Building Work Contractors (Building Indemnity Insurance) Amendment Regulations 2025

under the *Building Work Contractors Act 1995*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Building Work Contractors Regulations 2011*

- 3 Amendment of regulation 4—Definitions of building work etc (section 3 of Act)
 - 4 Amendment of regulation 18—Limitations on insurers' liability (section 35 of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Building Work Contractors (Building Indemnity Insurance) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation 4 months after the day on which they are made (see *Legislative Instruments Act 1978* section 10AA).

Part 2—Amendment of *Building Work Contractors Regulations 2011*

3—Amendment of regulation 4—Definitions of building work etc (section 3 of Act)

- (1) Regulation 4(4)(b)—delete paragraph (b) and substitute:
 - (b) in respect of a domestic building work contract made on or after 15 October 2001 but before the prescribed day—\$12 000;
 - (c) in respect of a domestic building work contract made on or after the prescribed day—\$20 000.
- (2) Regulation 4(5)—delete "\$12 000" and substitute:
\$20 000
- (3) Regulation 4—after subregulation (5) insert:
 - (6) In this regulation—
prescribed day means the day on which the *Building Work Contractors (Building Indemnity Insurance) Amendment Regulations 2025* come into operation.

4—Amendment of regulation 18—Limitations on insurers' liability (section 35 of Act)

Regulation 18(1)(b)—delete "\$80 000" and substitute:

\$250 000

Made by the Governor

with the advice and consent of the Executive Council
on 10 July 2025

No 58 of 2025

RULES

SUPREME COURT ACT 1935

DISTRICT COURT ACT 1991

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

MAGISTRATES COURT ACT 1991

YOUTH COURT ACT 1993

SOUTH AUSTRALIA

Uniform Special Statutory (No 7) Amending Rules 2025

By virtue and in pursuance of the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Environment, Resources and Development Court Act 1993*, the *Magistrates Court Act 1991* and the *Youth Court Act 1993*, and all other enabling powers, we, the Chief Justice of the Supreme Court, the Chief Judge of the District Court, the Senior Judge of the Environment, Resources and Development Court, the Chief Magistrate of the Magistrates Court, and the Judge of the Youth Court make the following *Uniform Special Statutory (No 7) Amending Rules 2025*.

1. These Rules may be cited as the *Uniform Special Statutory (No 7) Amending Rules 2025*.
2. The amendments made by these rules come into effect on the later of—
 - (a) 28 June 2025; or
 - (b) the date of their publication in the Gazette.
3. In these Rules, ***the commencement date*** means the date on which these rules come into effect under rule 2.
4. In Chapter 3—Preventative control measures, Part 5—High risk offenders, Divisions 4 and 5 are deleted and substituted as follows:

Part 5—High risk offenders

Division 4—Variation and revocation: Supreme Court

74.1—Application

- (1) An application under section 13 or 19 of the Act for variation or revocation of an interim supervision order, [extended supervision order](#) or [continuing detention order](#) must be—
 - (a) in the prescribed form; and
 - (b) supported by an affidavit in the prescribed form.

Prescribed forms—

Form 111D [Originating Application to Vary or Revoke Order – High Risk Offenders Interim Supervision Order or Extended Supervision Order](#)

Form 111C [Originating Application to Vary or Revoke Order – High Risk Offenders Continuing Detention Order](#)

Form 7 [Affidavit](#)

- (2) The supporting affidavit must—
 - (a) depose to the facts comprising the basis for the application;
 - (b) if the application seeks a variation or revocation of an [extended supervision order](#)—address compliance or non-compliance by the [subject](#) with the conditions of the order;
 - (c) address any relevant change in circumstances since the order was made;
 - (d) if made by the [subject](#)—address why it is in the interests of justice to grant leave to make the application; and
 - (e) address any other relevant circumstances.
- (3) The applicant must join as respondents—
 - (a) if the applicant is the subject—the Attorney-General and, if the application is to vary or revoke a [continuing detention order](#), the Parole Board;

- (b) if the applicant is the Attorney-General—the [subject](#) and, if the application is to vary or revoke a [continuing detention order](#), the Parole Board; and
- (c) if the applicant is the Parole Board—the [subject](#) and the Attorney-General.
- (4) If the applicant is the Attorney-General or the Parole Board, the applicant must serve a multilingual notice in the prescribed form on the [subject](#) at the same time as serving the originating application and supporting affidavit.

Prescribed form—

Form 21 [Multilingual Notice](#)

74.2—Application when leave required

- (1) If leave is required under section 13(2) or 19(2) of the Act—
 - (a) the proceeding must be instituted in the ordinary way in accordance with [rule 74.1](#);
 - (b) the originating application must seek the necessary leave; and
 - (c) the application for leave must be supported by an affidavit deposing to the grounds on which leave is sought.

Note—

Sections 13(2) and 19(2) provide that an application may only be made by the person subject to an extended supervision order or continuing detention order with the permission of the Court. Under [rule 2.4](#), a statutory reference to permission is equivalent to a reference in these Rules to leave.

- (2) The Court may determine an application for leave [in chambers](#) on the basis of the supporting affidavit or make orders for its determination.
- (3) If an originating application seeking leave is filed under this rule—
 - (a) the institution of the proceeding is conditional on leave being granted; and
 - (b) if leave is refused, the proceeding lapses.

74.3—Order

- (1) A record of outcome varying or revoking an interim supervision order, [extended supervision order](#) or [continuing detention order](#) under section 13 or 19 of the Act must be in the prescribed form.

Prescribed forms—

Form 114 [Record of Outcome \[Variation or Revocation\]](#)

- (2) If the Court makes a variation or revocation order, the Court will issue a formal variation or revocation order in the prescribed form.

Prescribed forms—

Form 115F [Order for Variation or Revocation of Interim Supervision Order or Extended Supervision Order](#)

Form 115E [Order for Variation or Revocation of Continuing Detention Order](#)

- (3) If the Court makes a variation or revocation order, the [Principal Registrar](#) must cause a copy of the order to be sent as soon as practicable to—
 - (a) the Commissioner of Police;
 - (b) the [Chief Executive](#); and

- (c) the Parole Board.

Division 5—Apprehension of person to appear before Parole Board: Magistrates Court

75.1—Application

- (1) An application under section 11(6)(b)(ii), section 13A(13)(b)(ii), or section 15(2)(b)(ii) or (3)(b) of the Act for a warrant for the apprehension of the [subject](#) must be—
- (a) in the prescribed form; and
 - (b) supported by an affidavit in the prescribed form.

Prescribed forms—

Form 5A [Originating Application Ex Parte – Apprehension Warrant](#)

Form 7 [Affidavit](#)

- (2) The supporting affidavit must—
- (a) depose to the facts comprising the basis for the application; and
 - (b) if the application is made under section 15(2)(b)(ii) or (3)(b) of the Act—set out the member’s or police officer’s grounds for suspecting that the [subject](#) may have breached a condition of the order.
- (3) The application must be accompanied by a draft warrant in the prescribed form.

Prescribed form—

Form 105 [Apprehension Warrant](#)

5. In Schedule 1, Form 5A—Originating Application Ex Parte—Apprehension Warrant is deleted and substituted as follows:

Form 5A

To be inserted by Court Case Number: Date Filed: FDN:

Hearing Date and Time: Hearing Location:

ORIGINATING APPLICATION EX PARTE—APPREHENSION WARRANT

[MAGISTRATES/YOUTH] select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

Applicant	[Police Applicant/Parole Board Member/Attorney-General/Chief Executive/Training Centre Review Board Member] <small>Select one</small>		
Name of law firm/solicitor <small>If any</small>	Law Firm	Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile)—Number		Another number (optional)

Subject	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. home; work; mobile) – Number		Another number (optional)	
Date of birth and licence number	Date of birth		Driver's Licence number	

Application Details

Matter type: *[Enter matter type]*

This Application is for a warrant for the arrest and detention of the Subject.

This Application is made under section

- ☐ If adult complete if relevant *[76/76A]* select one of the *Correctional Services Act 1982*.
- ☐ If adult complete if relevant *[11(6)(b)(ii)/13A(13)(b)(ii)/15(2)(b)(ii)/15(3)(b)]* select one of the *Criminal Law (High Risk Offenders) Act 2015*.
- ☐ If youth must complete *[41C(3)(b)/5]* select one of the *Young Offenders Act 1993*.

The Applicant seeks the following orders:

- ☐ 1. A warrant for the arrest and detention of the Subject.
- ☐ 2. *[other orders]*.

This Application is made on the grounds

- ☐ set out in the accompanying Affidavit sworn by *[name]* on *[date]*.
- ☐ that
Enter grounds in separately numbered paragraphs
1.

Accompanying Documents

Accompanying this Application is a:

- ☐ Supporting Affidavit mandatory
- ☐ Draft Warrant mandatory
- ☐ If other additional document(s) please list below:

6. In Schedule 1, Form 105—Apprehension Warrant is deleted and substituted as follows:

Form 105

To be inserted by Court Case Number: Date Signed: FDN:
--

APPREHENSION WARRANT

Correctional Services Act 1982 / Criminal Law (High Risk Offenders) Act 2015 / Young Offenders Act 1993

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

Duplicate panel if multiple parties

[Party title] being the Person the subject of this warrant			
Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile)—Number		

To the Commissioner of Police for the State of South Australia and each member of the Police Force for the State of South Australia

if applicable Police reference number: *[number]*

Recitals

An Application has been made on *[date]* by the *[Parole Board/Training Centre Review Board/Chief Executive of Correctional Services/Commissioner of Police]* of South Australia under section *[[[76/76A] of the Correctional Services Act 1982]/[[11(7)/13A(14)/15] of the Criminal Law (High Risk Offenders) Act 2015]/41C of the Young Offenders Act 1993]* for the issue of a warrant.

The *[Court/Magistrate/Judge]* is satisfied that:

- ☐ on the face of the application it does not appear that no reasonable grounds exist for the issue of a warrant.
- ☐ there are proper grounds for the issue of the warrant under section *[[[76/76A] of the Correctional Services Act 1982]/[[11(7)/13A(14)] of the Criminal Law (High Risk Offenders) Act]/41C of the Young Offenders Act 1993]*.

Warrant

YOU ARE DIRECTED to arrest the person to whom this warrant relates *[and to]*:

- ☐ auto selected if issued under Young Offenders Act return that person to a training centre. The Chief Executive of the Department of Human Services is directed to receive and detain the Respondent, pending their appearance before the Training Centre Review Board.
- ☐ auto selected if issued under Correctional Services Act or Criminal Law (High Risk Offenders) Act take that person to a correctional institution. The Chief Executive of the Department for Correctional Services is directed to receive and detain that person pending their appearance before the Parole Board.

following auto selected if issued under section 15(7) Criminal Law (High Risk Offenders) Act

Expiration

This warrant expires on *[date/time]*, *[being at the end of two working days after the day on which the Police Report is supplied to the Parole Board under section 15(7)(a) of the Criminal Law (High Risk Offenders) Act 2015]*.

Authentication

.....
Signature of Judicial Officer
[title and name]

7. In Schedule 1, Form 111D—Originating Application to Vary or Revoke Order—High Risk Offenders Extended Supervision Order is deleted and substituted as follows:

Form 111De

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:**

ORIGINATING APPLICATION TO VARY OR REVOKE ORDER—HIGH RISK OFFENDERS INTERIM SUPERVISION ORDER OR EXTENDED SUPERVISION ORDER

SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Applicant	Full Name			
Name of law firm/solicitor If any	Law Firm		Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Phone Details		Number	
	Alternative number (optional)			

Respondent	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Number		Alternative number (optional)	
Date of birth and licence number	Date of birth		Driver's Licence number	

Application details

Matter type: [matter type]

Original Case Number: [Enter original case number]

This Application is to [vary/revoke] an Interim Supervision Order/Extended Supervision Order select one.

This Application is made under section 13 of the *Criminal Law (High Risk Offenders) Act 2015*.

The [Applicant/Respondent] was made subject to an Extended Supervision Order on [date] by [Judicial Officer], commencing on [date] for a period of [years/months].

Only complete if applicable otherwise delete

☐ An Interim Supervision Order was granted on [date] by [Judicial Officer]. The variation to the Interim Supervision Order/Extended Supervision Order select one sought is: [insert]

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

- ☐ 1. The following conditions of the Interim Supervision Order/Extended Supervision Order select one made on [date] [Court file number] by [Judicial Officer], the order commencing on [date] for a period of [number] years be varied:
provision for multiple [details of variation]
- ☐ 2. The Interim Supervision Order/Extended Supervision Order select one made on [date] [Court file number] by [Judicial Officer], the order commencing on [date] for a period of [number] years be revoked.
- ☐ 3. [any other orders sought]

This Application is made on the grounds

- ☐ set out in the accompanying Affidavit sworn by [name] on [date].
- ☐ that:
Provision for grounds in numbered paragraphs
 1.

Only complete if applicable otherwise delete

The Applicant seeks leave to make this application on the grounds

- ☐ set out in the accompanying Affidavit sworn by [name] on [date].

☐ that:

Provision for grounds in numbered paragraphs

Only complete if applicable otherwise delete

This Application is urgent on the grounds

☐ set out in the accompanying Affidavit sworn by [name] on [date].☐ that:

Provision for grounds in numbered paragraphs

Only complete if applicable otherwise delete

This Application is made with the consent of the [party title] [name] as evidenced by [set out evidence]
eg letter or email from party's solicitor provision for multiple

To the Respondent: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you must attend the hearing; and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders, you must file and serve on all parties an Affidavit within 14 days after service of the Application.

If you do not do so, the Court may proceed **in your absence** and **orders may be made against you** without further warning.

For instructions on how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

Accompanying documents

Accompanying this Application is a:

- ☐ Multilingual Notice mandatory
- ☐ Supporting Affidavit mandatory
- ☐ Evidence of the consent of the other parties mandatory if relying on consent
- ☐ If other additional document(s) please list below:

8. In Schedule 1, Form 114—Record of Outcome [Variation or Revocation] is deleted and substituted as follows:

Form 114

To be inserted by Court

Case Number:

Date Filed:

FDN:

RECORD OF OUTCOME [VARIATION OR REVOCATION]

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[*FULL NAME*]

Applicant

[*FULL NAME*]

Respondent

Introduction

Hearing

Hearing Location: [*suburb*]

[*Hearing date*] [*Listed starting time*]

Hearing type:

Supreme and District Court only

[*Actual hearing start time*] — [*Actual hearing end time*]

[*Presiding Officer*]

Appearances

[*Applicant Appearance Information*]

[*Respondent Appearance Information*]

Remarks

[*Notes*].

Order**Date of Order:** [date]**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

- ☐ 1. The following conditions of the [order] made on [date] [Court case number] by [name of Judicial Officer], be varied.
 - provision for multiple [details of variation].
- ☐ 2. The entire [order] made on [date] [Court case number] by [name of Judicial Officer], be revoked.
- ☐ 3. Pursuant to section 13(4) of the *Criminal Law (High Risk Offenders) Act 2015*, the application is referred to the Parole Board for determination.
- ☐ 4. Pursuant to section 13A(4) of the *Criminal Law (High Risk Offenders) Act 2015*, the Parole Board give notice of the application to vary or revoke a condition of the Interim Supervision Order/Extended Supervision Order select one to the Supreme Court. No further action required.
- ☐ 4. Pursuant to section 13A(9) of the *Criminal Law (High Risk Offenders) Act 2015*, [name of Judicial Officer] is of the opinion, and orders, that the application made under section 13A is to be heard and determined by the Supreme Court.
- ☐ [other orders].

Authentication

.....
Signature of Judicial Officer
[title and name]

9. In Schedule 1, Form 115F—Order for Variation or Revocation of Extended Supervision Order is deleted and substituted as follows:

Form 115F

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER FOR VARIATION OR REVOCATION OF INTERIM SUPERVISION ORDER OR EXTENDED SUPERVISION ORDER

SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Introduction

Hearing

Hearing Location: *[suburb]*

[Hearing date] *[Listed starting time]*

Hearing type:

[Actual hearing start time] — *[Actual hearing end time]*

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

The Court is satisfied that:

- (a) mandatory if application by the subject there has been a material change in circumstances relating to the Respondent or Interim Supervision Order/Extended Supervision Order select one.
- (b) mandatory if application by the subject it is in the interests of justice to grant permission.

Order

Date of Order: *[date]*

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

- ☐ 1. The following conditions of the Interim Supervision Order/Extended Supervision Order select one made on *[date]* *[Court case number]* be varied.
- provision for multiple *[details of variation]*.
- ☐ 2. The entire Interim Supervision Order/Extended Supervision Order select one made on *[date]* *[Court case number]* be revoked.
- ☐ 3. *[other orders]*.

Authentication

.....

Signature of Court Officer
[title and name]

10. In Schedule 1, Form 138—Summary of Argument is inserted as follows:

Form 138

To be inserted by Court

Case Number:

Date Filed:

FDN:

SUMMARY OF ARGUMENT OF [PARTY TITLE]

SUPREME COURT OF SOUTH AUSTRALIA

SPECIAL JURISDICTION

[FULL NAME]

Applicant

v

[FULL NAME]

Respondent

Lodging party		
	Party title	Full Name of party
Name of law firm/office		
If applicable	Law firm/office	Responsible Solicitor
Name of authorised officer		
If body corporate and no law firm/office	Full Name	

Summary of Argument

[Enter summary of argument]

[name(s) of counsel/author]

11. In Schedule 1, Form 139—List of Authorities is inserted as follows:

Form 139

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

LIST OF AUTHORITIES OF [PARTY TITLE]

SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL JURISDICTION

[FULL NAME]

Applicant

v

[FULL NAME]

Respondent

Lodging party		
	Party title	Full Name of party
Name of law firm/office		
If applicable	Law firm/office	Responsible Solicitor
Name of authorised officer		
If body corporate and no law firm/office	Full Name	

Judicial Officer (if known): [title and name]

Hearing date: [date]

A. Authorities intended to be read

- 1.
- 2.

B. Authorities to which reference may be made

- 1.
- 2.

12. In Schedule 1, Form 140—Draft Order is inserted as follows:

Form 140

To be inserted by Court

Case Number:

Date Filed:

FDN:

DRAFT ORDER

SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL JURISDICTION

[FULL NAME]
Applicant

v

[FULL NAME]
Respondent

Introduction

Hearing

Hearing Location:

[Hearing date] [Listed starting time]

[Presiding Officer]

Application made by:

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

[Notes from Outcomes]

Date of Order:

Terms of Order

It is ordered that:

Orders in separate numbered paragraphs.

1.

To the parties against whom orders are made: WARNING:

If you disobey this order, you will be in **contempt of court** and liable to **imprisonment and/or a fine** or other punishment and any other person who knows of this order and does anything that helps or permits you to disobey this order may be similarly punished.

Court use only

.....
Registrar

13. In Schedule 1, Form 141—Written Submissions is inserted as follows:

Form 141

To be inserted by Court

Case Number:

Date Filed:

FDN:

**WRITTEN SUBMISSIONS OF [PARTY TITLE] FOR HEARING
BEFORE [NAME OF JUDGE] ON [DATE]**

SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL JURISDICTION

[FULL NAME]

Applicant

v

[FULL NAME]

Respondent

Lodging party	Party title	Full Name of party
Name of law firm/office If applicable	Law firm/office	Responsible Solicitor
Name of authorised officer If body corporate and no law firm/office	Full Name	

SUBMISSIONS

[submissions]

[name of counsel]

[date]

14. In Chapter 4—Private applications ancillary to investigations, Part 10—ICAC information disclosure applications: Supreme Court is inserted as follows:

Part 11—ICAC information disclosure applications: Supreme Court

Division 1—General

216.1—Scope of Part

This Part applies to all proceedings under section 39A of the Independent Commission Against Corruption Act 2012.

216.2—Definitions

In this Part—

Act means the Independent Commission Against Corruption Act 2012;

Commission means the Independent Commission Against Corruption;

information disclosure order means an order made under section 39A(4) of the Act authorising the withholding of information relating to the determination from a person who was the subject of an investigation.

Division 2—Application for information disclosure order

217.1—Application

(1) An application under section 39A(3) of the Act must:

(a) be made by originating application in the prescribed form that:

(i) specifies only that it is an application for an information disclosure order under section 39A(4) of the Act;

(ii) includes contact details for the applicant or their representative; and

(iii) refers to the supporting affidavit by deponent and date of the affidavit; and

(b) be supported by an affidavit containing the matters set out in subrule (2).

(2) The supporting affidavit must set out:

(a) the nature of the investigation conducted by the Commission or law enforcement agency; and

(b) the information sought to be withheld from "the subject of the investigation"; and

(c) the grounds upon which the Commission or law enforcement agency believes that informing the person will:

(i) be likely to compromise another investigation by the Commission or by a law enforcement agency or public authority; or

(ii) give rise to an imminent risk to the safety of a person or persons; and

(d) the period for which the order is sought, or the specified event upon the happening of which disclosure may occur; and

(e) whether "the subject of the investigation" is aware of the determination.

(3) The supporting affidavit must:

- (a) be delivered in a sealed envelope to the Court at the date and time arranged with the relevant Chambers of a Supreme Court Judge; and
- (b) have the assigned file number, name of deponent and date clearly marked on the envelope.

Prescribed forms—

Form 4J Originating Application Ex Parte — Independent Commission Against Corruption Information Disclosure Order

Form 6 Affidavit

Note—

Section 39A of the Act governs the making of information disclosure orders. The supporting affidavit will be delivered physically to maintain confidentiality and will not be uploaded to the electronic case management system.

Division 3—Variation or revocation of information disclosure order

218.1—Scope of division

This Division applies to all applications under section 39A(6) of the Act for variation or revocation of an information disclosure order.

218.2—Application

(1) An application for variation or revocation of an information disclosure order must:

- (a) be made by originating application that:
 - (i) references the original file number; and
 - (ii) includes contact details for the applicant; and
- (b) be supported by an affidavit containing the matters set out in subrule (2).

(2) The supporting affidavit must set out:

- (a) the order sought to be varied or revoked; and
- (b) the grounds upon which variation or revocation is sought; and
- (c) any change in circumstances since the order was made; and
- (d) in the case of variation, the specific variations sought.

(3) The supporting affidavit must be delivered in accordance with the same security protocols as the original application.

Prescribed forms—

Form 4J Originating Application Ex Parte — Independent Commission Against Corruption Information Disclosure Order

Form 6 Affidavit

Note—

Section 39A(6) of the Act governs applications for variation or revocation of information disclosure orders.

15. In Schedule 1, Form 4J—Originating Application Ex Parte — Independent Commission Against Corruption Information Disclosure Order is inserted as follows:

Form 4J

To be inserted by Court

Case Number:

Date Filed:

FDN:

**ORIGINATING APPLICATION EX PARTE—INDEPENDENT
COMMISSION AGAINST CORRUPTION INFORMATION DISCLOSURE
ORDER**

SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

Applicant	Full name			
Name of law firm/solicitor If any	Law Firm		Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. home; work; mobile)—Number		Another number (optional)	

Application Details

This Application is for:

- ☐ an Information Disclosure Order under section 39A(4)
☐ variation of an Information Disclosure Order under section 39A(6)
☐ revocation of an Information Disclosure Order under section 39A(6)

This Application relates to an investigation by the Independent Commission Against Corruption.

This Application is made under section [39A(4)/39A(6)] Select one of the *Independent Commission Against Corruption Act 2012*.

This Application is made on the grounds and regarding the person/s set out in the accompanying Affidavit sworn by [name] on [date].

Only complete if applicable otherwise delete

The original information disclosure order was made on [date] on CIV-[YY]-[XXXXXX].

Accompanying Documents

Accompanying this Application is a:

- ☐ Draft Order mandatory
- ☐ Supporting Affidavit mandatory
- ☐ If other additional document(s) please list below:

16. In Schedule 1, Form 1—Originating Application is deleted and substituted as follows:

Form 1e

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

<p>Hearing Date and Time:</p> <p>Hearing Location:</p>
--

ORIGINATING APPLICATION

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Duplicate panel if multiple Applicants

Applicant	Full Name			
Name of law firm/solicitor If any	Law Firm		Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. home; work; mobile) - Number		Another number (optional)	

Duplicate panel if multiple Respondents

Respondent	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. Home; work; mobile)—Number		Another number (optional)	

Next box to only appear if applicable
Duplicate panel if multiple Interested Parties

Interested Party	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. Home; work; mobile)—Number		Another number (optional)	

Application Details

Matter type:

This Application is for

This Application is made under

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds

☐ set out in the accompanying Affidavit sworn by [name] on [date].

☐ that

grounds in separately numbered paragraphs

1.

If applicable

The Application is urgent because

grounds in separately numbered paragraphs where more than one

1.

If applicable

Extension of time

The Applicant seeks an extension of time to institute this action pursuant to

Act and section or other particular provision

The grounds for seeking an extension are set out in the accompanying Affidavit.

To the Other Parties: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you must attend the hearing; and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders, you must file and serve on all parties an Affidavit within 14 days after service of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding without further warning.

For instructions on how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

Accompanying Documents

Accompanying this Application is a:

- ☐ Multilingual Notice mandatory
- ☐ Supporting Affidavit mandatory unless application is of a specified type in which case it is optional
- ☐ Notice to Respondent Served Interstate mandatory when address of party to be served is interstate
- ☐ Notice to Respondent Served in New Zealand mandatory when address of party to be served is in NZ
- ☐ Notice to Respondent Served outside Australia mandatory when address of party to be served is overseas & not in NZ
- ☐ If other additional document(s) please list below:

17. In Schedule 1, Form 101CJ—Search Warrant—South Australian Public Health Act is deleted and substituted as follows:

Form 101CJ

Case Number:

Date Signed:

FDN:

SEARCH WARRANT
South Australian Public Health Act 2011

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

Duplicate panel if multiple parties

Person the subject of this warrant				
Subject	Full Name			
Address for service	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

To *[[name and/or position]/other]*

Recitals

An Application has been made on [date] by [authorised officer/a person authorised by the Chief Public Health Officer], [name and/or office] under section [47(3)/66(7)] of the *South Australian Public Health Act 2011* for the issue of a warrant.

The Magistrate is satisfied that:

(a) if the application is under section 47(3) of the Act:

- ☐ there are reasonable grounds to suspect that an offence against the Act, namely, [particulars of the offence], has been, is being, or is about to be committed or
- ☐ the warrant is reasonably required in the circumstances.

(b) if the application is under section 66(7) of the Act:

- ☐ the warrant is reasonably required in the circumstances.

Warrant

This warrant authorises the person and persons to whom this warrant addresses to:

(if the application is under section 47(3) of the Act):

- ☐ use reasonable force to enter [*insert description of premises or vehicle*].

(if the application is under section 66(7)(b) of the Act):

- ☐ break into [*insert description of premises or vehicle*].

This warrant:

- ☐ may be executed at any time of day.
- ☐ must not be executed between the hours of [*time*] and [*time*].
- ☐ may be executed between the hours of [*time*] and [*time*].
- ☐ [*other*].

Expiration

This warrant expires on: [*date*]

Authentication

.....

Signature of Magistrate

[*title and name*]

18. In Schedule 1, Form 106—Warrant—Animal Welfare Act Destruction or Disposal is deleted and substituted as follows:

Form 106

Case Number:
Date Signed:
FDN:

WARRANT—ANIMAL WELFARE ACT DESTRUCTION
Animal Welfare Act 1985 s 31A(5)(b)

[MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

Animal subject of Application				
Type of Animal	Type and, where applicable, breed of animal			
Name of animal if applicable/known	Full name			
Identifying features of animal if required to ensure correct animal is subject of the authorised action	Identifying features			
Owner if known	Full name (provision for multiple)			
Address where animal is kept	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

To [[name and/or position]/other]
Recitals
An Application has been made on [date] by inspector, [name] under section 31A(5)(b) of the Animal Welfare Act 1985 ('the Act') for the issue of a warrant.
The Court is satisfied that:
(a) the Applicant seeks a warrant authorising the destruction of the animal[s].

- (b) the inspector is of the opinion that the condition of the animal[s] is such that the animal[s] [is or are] so weak or disabled (whether physically or mentally), or in such pain, that [it or they] should be destroyed, pursuant to section 31A(4) of the Act.
- (c) the owner of the animal[s] has refused or failed to give consent to the destruction of the animal[s].
- (d) ~~mandatory if telephone or fax application~~ the warrant is urgently required in the circumstances.
- (e) the warrant is reasonably required in the circumstances.

Warrant

This warrant authorises the persons to whom this warrant is addressed to

- ☐ destroy the following animal[s]: [description of animals].

This warrant:

- ☐ may be executed at any time of day.
- ☐ must not be executed between the hours of [time] and [time].
- ☐ may be executed between the hours of [time] and [time].
- ☐ [other].

Expiration

This warrant expires on [date/time].

Authentication

.....
Signature of Judicial Officer
[title and name]

In accordance with the *Supreme Court Act 1935*, the *District Court Act 1991* and the *Magistrates Court Act 1991*, and all other enabling powers, the *Uniform Special Statutory (No 7) Amending Rules 2025* have been made—

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Acting Chief Judge and 2 or more other Judges of that Court; and
- as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates; and
- as rules of the Environment, Resources and Development Court by the Senior Judge and 1 other Judge; and
- as rules of the Youth Court by the Judge and the magistrates who are members of the principal judiciary of that Court,

and such rules will apply to and in relation to the Court in accordance with their terms.

Dated: 2 July 2025.

ACTING CHIEF JUSTICE LIVESey
CHIEF JUDGE EVANS
SENIOR JUDGE DURRANT
CHIEF MAGISTRATE HRIBAL
JUDGE SUTCLIFFE

STATE GOVERNMENT INSTRUMENTS

ASSOCIATIONS INCORPORATION ACT 1985

SECTION 43A

Deregistration of Associations

Notice is hereby given that the Corporate Affairs Commission approves the applications for deregistration received from the associations named below pursuant to Section 43A of the *Associations Incorporation Act 1985* (SA). Deregistration takes effect on the date of publication of this notice.

KOA PARI OUTRIGGER CLUB SA INCORPORATED (A44284)
FREESTYLE CYCLING ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED (A18682)
ASPERLUTELY AUTSOME INCORPORATED (A41476)
THE LADIES' PROBUS CLUB OF FLAGSTAFF HILL INCORPORATED (A11564)
SOROPTIMIST INTERNATIONAL OF MURRAY BRIDGE INCORPORATED (A38549)
SOULSPACE CHRISTIAN COMMUNITY INCORPORATED (A43484)
THE ASSOCIATION OF WALL & CEILING INDUSTRIES OF SOUTH AUSTRALIA INCORPORATED (A2223)
MOONTA COMMUNITY CRAFT GROUP INCORPORATED (A37786)

Given under the seal of the Commission at Adelaide.

Dated: 10 July 2025

KIRSTY LAWRENCE
Team Leader, Gambling and Associations
Delegate of the Corporate Affairs Commission

ASSOCIATIONS INCORPORATION ACT 1985

SECTION 44(2)

Defunct Associations

Pursuant to Section 44(2) of the *Associations Incorporation Act 1985*, the Corporate Affairs Commission is satisfied that the associations named below, associations incorporated under the Act, are defunct and upon publication of this notice are dissolved.

STOBIE SOUNDS INCORPORATED (A40674)
ADELAIDE INTERNATIONAL MULTICULTURAL FESTIVAL INCORPORATED (A41323)
AUSTRALIA WINE AND VINEYARD ASSOCIATION INCORPORATED (A40336)
AMHARA ASSOCIATION IN SOUTH AUSTRALIA INCORPORATED (A44061)
SUNNYSIDE SOCIAL CLUB INCORPORATED (A42422)
MINLATON WATER CATCHMENT AND OVAL MANAGEMENT INCORPORATED (A40320)
THE ADELAIDE DRAMA & SPEECH FESTIVAL ASSOCIATION INCORPORATED (A40330)

Given under the seal of the Commission at Adelaide.

Dated: 10 July 2025

KIRSTY LAWRENCE
Team Leader, Gambling and Associations
Delegate of the Corporate Affairs Commission

DEVELOPMENT ACT 1993

SECTION 48

Decision by the Minister for Planning

Preamble

1. By notice published in the Gazette on 17 December 2020 at p.5848, the then Minister for Planning and Local Government declared that Section 46 of the *Development Act 1993* (the Development Act) applied in respect of any development of a kind specified in the Schedule of that notice (the declaration).
2. On 3 January 2022, Mount Lofty Golf Estate Pty Ltd (the proponent) lodged an application under Section 46(6) of the Development Act for development authorisation for the Mount Lofty Golf Estate and Resort project for the construction of tourist accommodation with ancillary function rooms, bar, restaurant, gymnasium, adaptive re-use of a local heritage place and upgrade to the existing 18-hole golf course and for associated club facilities, including all development within the ambit of the declaration (the major development, or the development) at Golflinks Road and Old Carey Gully Road, Stirling.
3. The major development has been the subject of a Development Report and an Assessment Report under Sections 46 and 46D of the Development Act.
4. Since 19 March 2021, the Development Act has continued to apply in relation to the proposed major development pursuant to and as modified by Regulation 11(3) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* (the Transitional Regulations).
5. I am satisfied that an appropriate Development Report and Assessment Report have been prepared in relation to the major development, in accordance with the requirements of Part 4 Division 2 of the Development Act (as modified by Regulation 11(3) of the Transitional Regulations), and I have had regard to all relevant matters under Section 48(5) of the Development Act.
6. I have decided to grant a provisional development authorisation for the major development, reserving a decision on specified matters until further assessment of the major development.
7. I am delegating all of my powers and functions under Section 48 of the Development Act in relation to the major development, including those matters in respect of which I have reserved my decision, to the Chief Executive, Department for Housing and Urban Development.

Decision

1. Pursuant to Section 48 of the *Development Act 1993* (the Development Act) (as it applies pursuant to and as modified by Regulation 11(3) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* (the Transitional Regulations)), and having due regard to the matters set out in Section 48(5) of the Act and all other relevant matters, I:
 - (a) grant a provisional development authorisation in relation to the major development, subject to the conditions set out in Part B below;
 - (b) pursuant to Section 48(6) of the Development Act, reserve the decision on the matters specified in Part A of this authorisation until further assessment of the major development;
 - (c) specify, for the purposes of Section 48(7)(b)(i) of the Development Act, all matters which are the subject of conditions or reserved matters herein as matters in respect of which the conditions of this authorisation may be varied or revoked, or new conditions attached; and
 - (d) specify, for the purposes of Section 48(11)(b) of the Development Act, the period of 2 years from the date of this authorisation as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation.
2. Pursuant to Section 20 (and, to the extent necessary, Section 48(8)) of the Development Act, I hereby delegate my powers and functions under Section 48 of the Development Act in relation to the major development, to the Chief Executive, Department for Housing and Urban Development (the Chief Executive), including those matters in respect of which I have reserved my decision. This delegation allows for sub-delegation of relevant powers and functions by the Chief Executive.
3. Pursuant to Section 241 of the *Planning, Development and Infrastructure Act 2016* (PDI Act), I hereby delegate my powers and functions under Section 115 of the PDI Act in relation to the major development, to the Chief Executive, Department for Housing and Urban Development (the Chief Executive), including those matters in respect of which I have reserved my decision. This delegation allows for sub-delegation of relevant powers and functions by the Chief Executive.

PART A: MATTERS RESERVED FOR FURTHER ASSESSMENT

Pursuant to Section 48(6) of the *Development Act 1993*, the following matters are reserved for further assessment:

1. The proponent must, prior to the commencement of construction for each project element/stage, submit to the Minister for Planning (the Minister) for approval:
 - (a) Final detailed plans and designs for all structures and infrastructure, including but not limited to site plans, building floor plans, elevations, cross-sections, details of cut and fill, to ensure the approved design remains consistent with the drawing set dated 31.8.23 (40 sheets, TP00 to TP23) prepared by R Architecture, including but not limited to variability in facade colouring, extent of curved facade elements, and the low roof and service screening profiles—developed in consultation with the Government Architect.
 - (b) Final detailed plans for all roof top plant and equipment, including associated screening elements, to ensure that external plant is appropriately screened and attenuated, consistent with the overall design and materiality of the built form—developed in consultation with the Government Architect.
 - (c) Final design and arrangement of carparks to service the café/perfumery and provide staff carparking (outside the hotel complex), including ancillary works (excavation/fill, retaining walls etc.) and to minimise impacts to existing vegetation—developed in consultation with the Government Architect.
 - (d) Final details of all external materials selection, facade systems and green infrastructure in collaboration with landscape, structural and sustainability consultants to ensure delivery of the design intent (as required in [a] above)—developed in consultation with the Government Architect.
 - (e) Final detailed landscape plan with appropriate species selection—including pedestrian circulation paths and connections—that integrates and merges with built development and remains consistent with the drawing set and recommendations of the Landscape report and Masterplan dated 8 November 2024 prepared by Oxygen—developed in consultation with the Government Architect.
 - (f) Final details of external light sources—subject to occupational health and safety requirements for tourist and hotel operations—to be installed and operated so as to minimise external impacts to local fauna (within the project area) and local residents (adjacent the project area).
 - (g) Final detailed plans for all temporary construction components (i.e. laydown areas, works compounds, storage areas, bridges/creek crossings and any other works required to support internal site access).
 - (h) Final details of the walking trail running alongside Golflinks Road—developed in consultation with the Adelaide Hills Council.
 - (i) Final Stormwater Management Plan including civil drawings in accordance with the Adelaide Hills Council requirements—developed in consultation with the Adelaide Hills Council.
 - (j) Final detailed plans for ancillary infrastructure, facilities and services associated with the development including roads, stormwater, water supply, power supply, telecommunications, and waste water treatment or disposal, either within the subject site or on land elsewhere.
 - (k) Final land division proposal plan, consistent with the approved built form.

In relation to items (a) and (b) above, the design of each building (including external roof top plant areas) shall incorporate the recommendations of the acoustic report *Mount Lofty Golf Course Redevelopment: Revised Scheme Environmental Noise Assessment Acoustic Services* prepared by BESTEC dated 28 March 2024.

2. The proponent must, prior to the commencement of construction for each project element/stage, submit to the Minister for approval a Construction Environmental Management Plan (CEMP), prepared in consultation with the Environment Protection Authority; the Department of Environment and Water; the SA Country Fire Service; and the Adelaide Hills Council. The CEMP must identify measures to manage and monitor (at a minimum) the following matters:

- (a) soil erosion and drainage management
- (b) groundwater
- (c) flora and fauna
- (d) weed and pest management
- (e) air quality and greenhouse gas emissions
- (f) noise and vibration
- (g) traffic
- (h) local community impacts

The CEMP shall include the following sub plans:

- (a) Traffic Management Plan
- (b) Soil Erosion and Drainage Management Plan

- (c) Cultural Heritage Management Plan.
- (d) Emergency Response Plan

The CEMP shall be prepared taking into consideration, and with explicit reference to, relevant *Environment Protection Act 1993* policies and guidance documents, including but not limited to:

- the Environment Protection (Air Quality) Policy 2016
- the Environmental Protection (Commercial and Industrial Noise) Policy 2023
- the Environment Protection (Water Quality) Policy 2015
- the Environment Protection (Waste to Resources) Policy 2010
- the Environment Protection Authority Bundling and Spill Management Guideline 2016
- the Environment Protection Authority Handbooks for Pollution Avoidance
- the Environment Protection Authority Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry 1999
- the Environment Protection Authority guideline 'Construction environmental management plan (CEMP) 2019'
- any other legislative requirements, Guidelines and Australian Standards requiring compliance

3. The proponent must, prior to the commencement of hotel operations, submit to the Minister for approval an Operational Environmental Management Plan (OEMP), prepared in consultation with the Department of Environment and Water and the Adelaide Hills Council. The OEMP must identify measures to manage and monitor (at a minimum) the following matters:

- (a) stormwater management
- (b) weed and pest management
- (c) noise sources, including attenuation/management protocols
- (d) traffic control.

The OEMP shall include the following sub plans:

- (a) Emergency Response Plan

4. The proponent must, prior to the commencement of construction, submit to the Minister for approval a Native Vegetation Management, Restoration and Monitoring Plan, prepared in consultation with the Department for Environment and Water and the local Landscape Board. The plan shall include details on the management of both retained native vegetation within the golf course land and any areas that are to be restored after the completion of construction. The plan shall address:

- (a) Vegetation clearance requirements of the Native Vegetation Council.
- (b) Vegetation clearance practices.
- (c) Restoration measures, such as site preparation, natural regeneration or direct seeding.
- (d) Protection and maintenance of remnant vegetation, including and the control of current/future degrading factors (especially erosion).
- (e) Vegetation maintenance during operation, especially to maintain access, safety clearance zones under conductors and asset protection zones.
- (f) Pest plant and animal control.
- (g) Fire management.
- (h) Monitoring requirements.

5. The proponent must, prior to the commencement of construction, submit a final and signed copy of an Infrastructure Agreement with the Adelaide Hills Council that details the arrangements and responsibilities for the upgrade and provision infrastructure to service the development.

This plan must include (but not be limited to) the proposed road upgrades and/or alterations to Old Carey Gully Road and Golflinks Road (as indicated in the various CIRQA reports and treatment plans dated 15 March 2024, 15 May 2024, 11 October 2024), proposed walking trail adjacent to Golflinks Road, upgrades to the local waste water pumping station (including connections to/from) and confirmation of rising main upgrade/replacement works as indicated in the FMG Report dated 20 December 2024.

All costs in the preparation of these agreements shall be met by the proponent.

Pursuant to Section 48(6) of the *Development Act 1993*, the Minister for Planning reserves a decision on the form and substance of any further conditions required under this provisional development authorisation that it considers appropriate to impose in respect of the reserved matters set out at 1 to 5 above. Upon receipt of the information relating to a reserved matter, it will be assessed and if satisfactory, approved by the Minister for Planning or delegate.

PART B: GENERAL CONDITIONS

6. Except where minor amendments may be required by other legislation or by conditions imposed herein, the construction, operation, use and maintenance of the major development shall be undertaken in accordance with:

- (a) Mount Lofty Golf Estate: Development Report: Main Report and Appendices: 8 June 2023
- (b) Mount Lofty Golf Estate: Development Report: Update: 2 February 2025

To the extent of any inconsistency, a later document will prevail over an earlier one.

7. The proponent shall have substantially commenced the development within two (2) years from the date of this authorisation and substantially completed the development within five (5) years of the date of this authorisation, failing which an extension of time may be sought from the Minister for Planning (the Minister) or the authorisation may be cancelled.

8. Except where minor amendments may be required by other legislation or by other conditions imposed below, all buildings, structures and infrastructure comprised in or required for the purposes of the major development shall be constructed, used, operated and maintained in accordance with the approved final plans, drawings, designs and specifications as approved by the Minister under the reserved matters.

9. Should the development cease during the period between the commencement of earthworks and final completion, the proponent shall undertake all necessary steps to reinstate the land and make good any damage or disturbance.

10. No building or site works on any part of the major development may commence until a favourable decision has been notified to the proponent by the Minister or the Minister's delegate in respect of the reserved matters (PART A) and until a final development authorisation under Section 48(2) of the *Development Act 1993*/Section 115(2) of the *Planning, Development and Infrastructure Act 2017* is granted for the relevant stage or component as is approved.

11. The construction of the major development shall be undertaken in accordance with:

- (a) the final approved plans and specification of all elements;

- (b) the approved Construction Environment Management Plan (CEMP);
 - (c) the approved Cultural Heritage Management Plan (CHMP);
 - (d) the approved Waste Minimisation and Management Plan; and
 - (e) the approved Native Vegetation Management, Restoration and Monitoring Plan.
12. The operation of the major development shall be undertaken in accordance with:
 - (a) the final approved plans and specification of all elements;
 - (b) the approved Operational Environment Management Plan (OEMP);
 - (c) the approved Waste Minimisation and Management Plan;
 - (d) the approved Native Vegetation Management, Restoration and Monitoring Plan; and
 - (e) the approved Bushfire Survival Plan (BSP) and Bushfire Management Strategy (BMS).
 13. The OEMP and CEMP shall be monitored by the proponent to ensure compliance with mitigation measures for the predicted impacts and shall be reviewed at regular intervals (being at least every 6 months for the first 2 years of operation) and updated as necessary.
 14. Council, utility or state agency-maintained infrastructure that is demolished, altered, removed or damaged during the construction of the major development shall be reinstated to the Adelaide Hills Council, utility or state agency specifications as applicable. All costs associated with these works shall be met by the proponent.
 15. All road infrastructure upgrades (as identified in Traffic Management Plan) shall be completed to the standard required to enable the use of the identified vehicle type (as specified in the Traffic Management Plan), and being to the reasonable satisfaction of the Adelaide Hills Council.
 16. All road infrastructure upgrades, unless otherwise identified, are to be funded by the proponent.
 17. The development shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
 18. All vehicle car parks, driveways and vehicle entry and manoeuvring areas at or providing access to and from the site shall be designed and constructed in accordance with the relevant Australian Standards and appropriately line marked, and shall be constructed, drained and paved with bitumen, concrete or paving bricks (or other such material as agreed to by the Minister), in accordance with sound engineering practice.
 19. All loading and unloading, parking and manoeuvring areas at or providing access to and from the site shall be designed and constructed to ensure that all vehicles can safely traffic the site and enter and exit the subject land in a forward direction.
 20. All stormwater design and construction at the site shall be in accordance with Australian Standards and recognised engineering best practice to ensure that stormwater does not adversely affect any adjoining property, or public road, and being to the reasonable satisfaction of the Adelaide Hills Council.
 21. All liquids or chemical substances that have the ability to cause environmental harm must be stored within a bunded compound that has a capacity of at least 120% of the volume of the largest container, in accordance with the EPA 'Bunding and Spill Management Guidelines' (2016).
 22. All external lighting, including for car parking areas and buildings within the complex must be designed and constructed to conform with *Australian/New Zealand Standard AS/NZS 4282:2023—Control of Obtrusive Effects of Outdoor Lighting and the National Light Pollution Guidelines for Wildlife* (DCCEEW, May 2023).
 23. External lighting must be located, directed and shielded, and of such limited intensity, as far as reasonably practicable, that no unnecessary light spill will affect residents along Golflinks Road nor unreasonably impact upon native fauna.
 24. "As-built" drawings of the approved and installed infrastructure shall be submitted to the Adelaide Hills Council along with certification from a professional engineer that the works for that stage have been completed in accordance with the approved design.
 25. All trenches or excavation are to be reinstated to the satisfaction of the Adelaide Hills Council. All excavation, trenching of underground services and reinstatement in existing road pavements and verge areas shall be done to satisfaction of Council.
 26. All approved works and infrastructure required for construction shall be constructed for the relevant stage to the satisfaction of the Adelaide Hills Council. All costs for the construction of all approved infrastructure shall be borne by the owner/proponent. Following agreement by Council that Practical Completion has been achieved the proponent shall be responsible for all maintenance for a period of 12 months or such other period of time as agreed.
 27. An asset register of the infrastructure constructed on Adelaide Hills Council land shall be provided in digital format to the satisfaction of the Council.
 28. Any costs associated with any vegetation clearance within Council Land including costs associated with Native Vegetation Significant Environmental Benefit payments is to be the responsibility of the proponent.
 29. Proposed new (or modifications to existing) vehicle driveway connection points to Golflinks Road and Old Carey Gully Road must be designed and constructed to meet relevant Australian Standards and to the Adelaide Hills Council's satisfaction. The design needs to be approved by Council before any construction at the site is permitted to occur (Note: especially as one proposed connection seems unlikely to meet relevant standards for sight distance).
 30. Without limiting Condition 41, the proponent shall provide an expanded Arboriculture Pre-development Impact Assessment report detailing tree management advice for any tree including impacted trees within the road verge (outside of the provided reports geographical area of scope) that could be impacted directly or indirectly by this development. Tree management advice should be provided around the following new or modified assets:
 - All buildings/structures/outbuildings, upgraded or new roadways, upgraded or new walking trail, new fencing locations, other supporting infrastructure (such as light poles), vehicle road reserve crossover locations, main service provision of underground infrastructure to the buildings and underground service provision in between all dwellings and supporting infrastructure required as part of this development.
 31. Prior to any civil works or earthworks commencing on-site, tree protection zone (TPZ) measure shall be implemented in accordance with the recommendations stipulated in the Arboricultural Impact Assessment and Development Impact Report prepared by Arborman Tree Solutions. The works in relation to the tree(s), outlined in the Arborist's Report are to be undertaken simultaneously with any building works on the site.
 32. All works are required to be supervised by the suitably qualified project arborist throughout the duration of the project. If any tree roots are discovered during the works, the project arborist is to assess and address accordingly. For works on Adelaide Hills Council Road reserves, notification shall be provided not less than 48 hours beforehand to ensure Council officers can be present at excavation in tree protection zones.

33. The vegetation along the fence line of the Mount Lofty Golf Estate and in particular along Mount George Conservation Park shall be recorded and inspected for at least 3 years post development ensuring weed incursion is controlled. A long-term bond with a management plan and reporting shall be undertaken.
34. The Adelaide Hills Council shall be provided with reporting updates at each stage of construction.
35. Works affecting the Local Heritage Place (former perfumery) shall ensure:
 - existing stone walls are not sandblasted, as this will damage the stone and mortar. If the walls require cleaning this should be done with low pressure water and stiff bristle brush. Organic growth can be removed with a weak biocide, applied and removed in accordance with the supplier's recommendations, and paint can be stripped with a chemical stripper such as 'Peelaway';
 - a moisture barrier is provided between the stone walls and the new polished concrete floor internally; and
 - the roof is replaced in either a red Colourbond to reference the original roof colour; or alternately galvanised sheet metal.
36. The Adelaide Hills Council capital connection contribution for the approved development is required to be paid prior to occupancy.
37. The proponent must, prior to the commencement of construction for each project element/stage, submit to the Minister for approval a copy of all relevant certification documentation following the assessment and certification as complying with the provisions of the Building Rules, by an accredited professional (or by a person determined by the Minister), of all building work in accordance with the provisions of the *Development Act 1993/Planning, Development and Infrastructure Act 2016*. For the purposes of this condition 'building work' does not include plant and equipment or temporary buildings that are not permanently attached to the land (refer to Advisory Notes below). In assessing Building Rules compliance, the accredited professional (or a person determined by the Minister) must refer to the relevant fire authority (the SA Country Fire Service) for comment and report.
38. The proponent must, prior to the commencement of construction consult with Kaurna Yerta Aboriginal Corporation (KYAC) and/or any other Traditional Owners of Aboriginal heritage within the project area to ascertain whether any Aboriginal sites, objects or remains (together, Aboriginal heritage) intersect the project area.
39. The proponent must, prior to the commencement of construction, submit to the Minister for approval a Cultural Heritage Survey, prepared by a heritage consultant, of those parts of the project area that will be subject to ground-disturbing works. The heritage survey must, at a minimum, identify and record any Aboriginal heritage, provide recommendations on how that Aboriginal heritage will be avoided and help identify areas within the project area that have a higher risk of encountering Aboriginal heritage during project activities. The proponent must use its best efforts to involve KYAC and/or any other Traditional Owners of Aboriginal heritage within the project area in the heritage survey.
40. The proponent must, prior to the commencement of construction, submit to the Minister for approval a CHMP prepared by a heritage consultant and must use its best efforts to consult with KYAC and/or any other Traditional Owners of Aboriginal heritage within the project area in developing the CHMP. The CHMP must be consistent with the Aboriginal Heritage Discovery and Avoidance Protocols developed by Attorney-General's Department—Aboriginal Affairs and Reconciliation (AAR), in particular that:
 - all Aboriginal heritage discoveries are reported to the Minister for Aboriginal Affairs through AAR as soon as practicable.
 - discoveries of potential human remains are reported to SA Police immediately upon discovery
 - in all cases, Aboriginal heritage must not be damaged, disturbed, interfered with, excavated and/or removed from the state without relevant authorisations from the Minister for Aboriginal Affairs under the *Aboriginal Heritage Act 1988* (SA) (AH Act).
41. The proponent must, prior to the commencement of construction, seek advice from a heritage consultant regarding scattered trees, in particular to ascertain whether any of them are protected under the AH Act, and a summary of findings provided to the satisfaction of the Department of Housing and Urban Development staff. Any trees within the project area that are confirmed to be culturally modified trees must be reported to the Minister for Aboriginal Affairs through AAR as soon as practicable and must not be damaged, disturbed, interfered with and/or excavated without authorisation(s) from the Minister for Aboriginal Affairs under the AH Act.
42. The augmentation costs associated with the local pump station upgrade (and any associated CWMS works) shall be paid by the proponent.
43. The financial requirements of the water industry entity (whether Adelaide Hills Council and/or SA Water) shall be met for the provision of water supply and sewerage services.
44. The augmentation requirements of the water industry entity (whether Adelaide Hills Council and/or SA Water) shall be met.
45. The necessary easements shall be vested to the water industry entity (whether Adelaide Hills Council and/or SA Water).
46. Vegetation management shall be established and maintained within 35 metres to the east and west of the Hotel/Golf Club Complex and within 20 metres to the north and south of the Hotel/Golf Club Complex as follows:
 - The number of trees and understory plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum foliage coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs or trees where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30% in all directions.' Vegetation remaining or to be established within the APZ shall be separated by a minimum of 5m from the surrounding hazardous vegetation. Mature trees may remain within the APZ, provided canopies are not connected to the surrounding hazardous vegetation.
 - Reduction of vegetation shall be in accordance with *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*.
 - Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - Trees and shrubs must not overhang the roofline of the buildings, touch walls, windows or other elements of the building.
 - Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
 - Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - No understorey vegetation shall be established within 2 metres of the habitable buildings (understorey is defined as plants and bushes up to 2 metres in height).
 - Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
 - The APZ shall be maintained to be free of accumulated dead vegetation.
47. Prior to the operational use of the development, a final Bushfire Survival Plan (BSP) and Bushfire Management Strategy (BMS) shall be developed in consultation with the SA Country Fire Service and then implemented to the reasonable satisfaction of the Minister for Planning.
48. Deliveries shall be restricted to the EPA stipulated day time only (i.e., after 7:00am and before 10:00pm) Monday to Friday and after 9:00am on Saturday and Sunday (where applicable).
49. The final building rules documentation shall demonstrate that the *Mount Lofty Golf Course Redevelopment: Revised Scheme Environmental Noise Assessment Acoustic Services* prepared by BESTEC dated 28 March 2024 has been fully adopted, or where a departure is noted, a further environmental noise assessment is undertaken to demonstrate compliance.

50. Unless otherwise specifically provided for in these conditions or otherwise agreed to in writing with the Minister, all costs necessary for compliance with these conditions shall be met solely by the proponent.

ADVISORY NOTES

- (a) The proponent is advised that all conditions must be met including monitoring, mitigation and reporting requirements as detailed in relevant management plans. Failing to comply with a condition is considered a breach of the *Development Act 1993/Planning, Development and Infrastructure Act 2016*, under which this authorisation is given, and the Minister may direct the proponent to make good any breach. The Minister may also take such action as is required because of any situation resulting from the breach, including the cessation of the operation of the development.
- (b) An accredited professional undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including any conditions or advisory notes that apply in relation to this provisional development authorisation).
- (c) Construction of each component of the development may commence only after a Building Rules assessment and certification has been undertaken in relation to that component and has been issued by an accredited professional undertaking Building Rules assessments, and the Minister has received a copy of the relevant certification documentation.
- (d) In the event that Aboriginal heritage is discovered during construction, the proponent must follow the procedures set out in the Cultural Heritage Management Plan which must be consistent with AAR's Aboriginal Heritage Discovery and Avoidance Protocols .
- (e) The proponent is reminded of its obligations under the AH Act that it is prohibited to excavate land to uncover, damage, disturb and/or interfere with any Aboriginal heritage under Sections 21 and 23 of the AH Act without authorisations from the Minister for Aboriginal Affairs.
- (f) The proponent, and all agents, employees and contractors, such as construction crew, involved in the development are reminded of their obligations under 20 of the AH Act to notify the Minister for Aboriginal Affairs through AAR of any Aboriginal heritage discoveries as soon as practicable (and SA Police immediately if potential human remains are discovered).
- (g) The proponent is reminded of its obligation under the *Native Title Act 1993* whereby the proponent would need to consult with appropriate representatives of any relevant Aboriginal Groups in regard to any known sites of significance in the area and any Native Title Claims over the sea bed and subjacent lands.
- (h) The proponent is reminded of its obligations under the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2017* whereby any native vegetation clearance must be undertaken in accordance with a management plan that has been approved by the Native Vegetation Council that results in a significant environmental benefit on the property where the development is being undertaken, or a payment is made into the Native Vegetation Fund of an amount considered by the Native Vegetation Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by Section 21(6) of the *Native Vegetation Act 1991*, prior to any clearance occurring.
- (i) The proponent is reminded that, under the *National Parks and Wildlife Act 1972*, permits are required for the 'taking of protected animals', such as the capture and relocation of animals during construction and the destruction or relocation of animals during operation.
- (j) The proponent is reminded of its obligations under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, not to undertake any activity that could have a significant effect on any matter of National Environmental Significance without the approval of the Commonwealth Minister for Environment.
- (k) Should the proponent wish to vary the Major Development or any of the components of the Major Development, an application to the Minister must be submitted, provided that the development application variation remains within the ambit of the Development Report and Assessment Report referred to in this development authorisation. If an application variation involves substantial changes to the proposal, pursuant to Section 47 of the *Development Act 1993/Section 114 of the Planning, Development and Infrastructure Act 2016*, the proponent may be required to prepare an amended Development Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and the decision made pursuant to Section 48 of the *Development Act 1993/Section 115 of the Planning, Development and Infrastructure Act 2016*.
- (l) The Minister has a specific power to require testing, monitoring and auditing under Section 48C of the *Development Act 1993/Section 117 of the Planning, Development and Infrastructure Act 2016*.
- (m) Site work and building work shall be carried out only between the hours of 7:00am to 5:00pm Monday to Saturday. No works are permitted on Sundays other than those necessary for dust control, emergency works or works that cannot be carried out at any other time without causing unnecessary disruption, as may be approved by Adelaide Hills Council on written application as per EPA requirements for work of this nature.
- (n) In relation to Conditions 42-44, the water industry entity may require further investigations to be undertaken to determine final requirements and costs.
- (o) Pursuant to Regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a Certificate of Occupancy is required for all new buildings, excluding Class 10 structures. The Applicant must comply with all relevant requirements of Regulation 103 including a report from the relevant fire authority (SA Country Fire Service) per Regulation 103(D).
- (p) SA Country Fire Service advises that whilst preliminary BAL assessments have been provided, final BAL re-assessments will be required for the hotel complex, once vegetation removal and management has been implemented.
- (q) In relation to Reserved Matter 4(e), the SA Country Fire Service has advised that this plan must include the specified fuel reduced APZs around the buildings (35m to east and west and 20m north and south), including the ongoing maintenance of the APZs which specifically excludes it from re-vegetation measures.
- (r) In relation to Condition 37, the SA Country Fire Service has advised that this report will need to include a Bushfire Attack Level (BAL) re-assessment to determine if the approved Asset Protection Zones have been implemented correctly to achieve BAL 19. This should be done prior to occupation of the premises.
- (s) In relation to Condition 47, the SA Country Fire Service has advised the Bushfire Management Plan (BMP) should then be updated on a regular basis and clearly communicated and practiced. In developing the plan, the proponent should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to bookings and services offered due to actual or predicted conditions during the Fire Danger Season in any booking/refund policy.

Dated: 29 June 2025

HON NICK CHAMPION MP
Minister for Planning

EDUCATION AND CHILDREN'S SERVICES ACT 2019

Amending the Constitution of a Governing Council for a Government School

I, Caroline Fishpool, Lead Director, Conditions for Learning, Schools and Preschools, consider it necessary to amend the constitution of:

Port Lincoln Special School
Quorn Area School
Riverbanks College B-12
Riverland Special School
Roma Mitchell Secondary College
Streaky Bay Area School
Swan Reach Area School
Warriappendi School
Whyalla Secondary College
Whyalla Special Education Centre
Woomera Area School
Yankalilla Area School

To ensure that it takes the form of the model constitution for either schools with or without a school-based preschool, and therefore in accordance with Section 40(1) and (2) of the *Education and Children's Services Act 2019*, I amend the governing councils' constitutions such that they now read as follows:

PORT LINCOLN SPECIAL SCHOOL GOVERNING COUNCIL INCORPORATED

*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes

15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION
(School without a school-based preschool)

1. Name

The name of the council is Port Lincoln Special School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Port Lincoln Special School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

- 4.1 In addition to the powers conferred under the Act, the council may:
- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
 - 4.1.2 enter into contracts
 - 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
 - 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
 - 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
 - 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 6.2 The principal must also:
- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
 - 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
 - 6.2.3 report on learning, care, training and participation outcomes to council
 - 6.2.4 supervise and promote the development of staff employed by the council
 - 6.2.5 be responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex-officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Port Lincoln Special School Governing Council must comprise 9 council members including:
- 1 Principal of the school (*ex-officio*)
 - 5 Elected parent members
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school

- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 The Chairperson

- 9.3.1 The chairperson must:
 - (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
 - (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
 - (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
 - (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
 - 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.

- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
- (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.

- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.

- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.

- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.

- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.

- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:

- (i) a contested election; or
- (ii) a special resolution to remove an office holder from office.

- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. **Proceedings of the Council**

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.

- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.

- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.

- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.

- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.

- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).

- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:

- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
- (ii) not take part in deliberations or decisions of the council with respect to that contract;
- (iii) not vote in relation to the contract; and
- (iv) be absent from the meeting room when any such discussion or voting is taking place.

- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

- 12.2.3 If a council member discloses an interest in a contract or proposed contract:

- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. **Election of Council Members**

13.1 *Eligibility for Nomination for Election*

- Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

QUORN AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members

14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION
(School *without* a school-based preschool)

1. Name

The name of the council is Quorn Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Quorn Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

5.1.1 involve the school community in the governance of the school by:

- (i) providing a forum for the involvement of parents and others in the school community
- (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
- (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

- (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
- (ii) considering, approving and monitoring human resource and asset management plans.

5.1.3 determine local policies for the school.

5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.

5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights
- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Quorn Area School Governing Council must comprise 15 council members including:
- 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members including at least 1 Aboriginal parent member
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions)
 - 2 Community members appointed by the council, with 1 member being a representative from Quorn Kindergarten
 - 2 Student representatives nominated by SRC or the students of the school
 - 1 Affiliated committee member from Quorn Area School Parent and Friends
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.
- 9.3 *The Chairperson*
- 9.3.1 The chairperson must:
 - (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;

- (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.
- 9.4 *The Secretary*
 - 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
 - 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
 - (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
 - 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
 - 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
 - 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
 - 9.4.6 The secretary must conduct the official correspondence of the council.
 - 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.
- 9.5 *The Treasurer*
 - 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
 - 9.5.2 The treasurer must:
 - (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
 - 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

- 11.1 *General Meetings of the School Community*
 - 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
 - 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
 - 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.

- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. **Proceedings of the Council**

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

12.2.3 If a council member discloses an interest in a contract or proposed contract:

- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

- 14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.
- 14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.
- 14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

RIVERBANKS COLLEGE B-12 GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections

- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

(*School with a school-based preschool*)

1. Name

The name of the council is Riverbanks College B-12 Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Riverbanks College B-12 Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights
- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Riverbanks College B-12 Governing Council must comprise 17 council members including:
- 1 Principal of the school (*ex-officio*)
 - 10 Elected parent members (including preschool parents)
 - 2 Staff member nominated by the staff of the school (as per ratio in the administrative instructions).
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee**9.1 Appointment**

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
- (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
- (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 The Chairperson

- 9.3.1 The chairperson must:
- (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;

- (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.
- 9.4 *The Secretary*
 - 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
 - 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
 - (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
 - 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
 - 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
 - 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
 - 9.4.6 The secretary must conduct the official correspondence of the council.
 - 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.
- 9.5 *The Treasurer*
 - 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
 - 9.5.2 The treasurer must:
 - (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
 - 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

- 11.1 *General Meetings of the School Community*
 - 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
 - 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
 - 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.

- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. **Proceedings of the Council**

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

12.2.3 If a council member discloses an interest in a contract or proposed contract:

- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

- 14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.
- 14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.
- 14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

RIVERLAND SPECIAL SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections

- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

(School without a school-based preschool)

1. Name

The name of the council is Riverland Special School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Riverland Special School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights
- 6.2.7 be the returning officer for the election, nomination and appointment of council members

- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Riverland Special School Governing Council must comprise 15 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 10 Elected parent members
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 General Meetings of the School Community**

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 Council Meetings

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 Extraordinary Council Meetings

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 Voting

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 Conflict of Interest

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;

- (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees

15.1 Committees

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

ROMA MITCHELL SECONDARY SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members

- 13.4 Notice of Election
- 13.5 Election without Ballot
- 13.6 Contested Elections
- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Roma Mitchell Secondary School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Roma Mitchell Secondary School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

5.1.1 involve the school community in the governance of the school by:

- (i) providing a forum for the involvement of parents and others in the school community
- (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
- (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

- (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
- (ii) considering, approving and monitoring human resource and asset management plans.

5.1.3 determine local policies for the school.

5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.

5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights

- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Roma Mitchell Secondary School Governing Council must comprise 21 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 12 Elected parent members
 - 3 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 3 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 General Meetings of the School Community**

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 Council Meetings

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 Extraordinary Council Meetings

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 Voting

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 Conflict of Interest

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;

- (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees

15.1 Committees

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

STREAKY BAY AREA SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members

- 13.4 Notice of Election
- 13.5 Election without Ballot
- 13.6 Contested Elections
- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Streaky Bay Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Streaky Bay Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
 - (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.
- 'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

5.1.1 involve the school community in the governance of the school by:

- (i) providing a forum for the involvement of parents and others in the school community
- (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
- (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

- (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
- (ii) considering, approving and monitoring human resource and asset management plans.

5.1.3 determine local policies for the school.

5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.

5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and Regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school

- 6.2.6 be an *ex-officio* member of council with full voting rights
- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Streaky Bay Area School Governing Council must comprise 14 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions).
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
 - 1 Affiliated committee member
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the Technical and Further Education Act, 1975, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;

- (ii) the office holder is given the right to be heard at the council meeting;
- (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

- 10.1.1 dies;
- 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
- 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
- 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
- 10.1.5 resigns by written notice to the council;
- 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
- 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
- 10.1.8 has been convicted of any offence prescribed by administrative instruction;
- 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
- 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 General Meetings of the School Community**

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 Council Meetings

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 Extraordinary Council Meetings

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 Voting

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 Conflict of Interest

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;

- (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees

15.1 Committees

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, Regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, Regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

SWAN REACH AREA SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members

- 13.4 Notice of Election
- 13.5 Election without Ballot
- 13.6 Contested Elections
- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

*(School with a school-based preschool)***1. Name**

The name of the council is Swan Reach Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Swan Reach Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights

- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Swan Reach Area School Governing Council must comprise 10 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 6 Elected parent members (including preschool parents)
 - 1 Staff member nominated by the staff of the school and preschool (as per ratio in the administrative instructions).
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 *General Meetings of the School Community***

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 *Meetings***

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.

12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

12.2.3 If a council member discloses an interest in a contract or proposed contract:

- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

- 14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.
- 14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.
- 14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

WARRIAPPENDI SECONDARY SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections

- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Warriappendi Secondary School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Warriappendi Secondary School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The Council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and Regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights
- 6.2.7 be the returning officer for the election, nomination and appointment of council members

- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Warriappendi Secondary School Governing Council must comprise 9 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 5 Elected parent members
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 General Meetings of the School Community**

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 Council Meetings

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 Extraordinary Council Meetings

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 Voting

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 Conflict of Interest

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;

- (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
 - (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees

15.1 Committees

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, Regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, Regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

WHYALLA SECONDARY COLLEGE GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members

- 13.4 Notice of Election
- 13.5 Election without Ballot
- 13.6 Contested Elections
- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Whyalla Secondary College Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Whyalla Secondary College Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights

- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Whyalla Secondary College Governing Council must comprise 22 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 16 Elected parent members
 - 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 *General Meetings of the School Community***

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 *Meetings***

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.

12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

12.2.3 If a council member discloses an interest in a contract or proposed contract:

- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

- 14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.
- 14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.
- 14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

WHYALLA SPECIAL EDUCATION CENTRE GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections

- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Whyalla Special Education Centre Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Whyalla Special Education Centre Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights
- 6.2.7 be the returning officer for the election, nomination and appointment of council members

- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Whyalla Special Education Centre Governing Council must comprise 9 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 5 Elected parent members
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 *General Meetings of the School Community***

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 *Meetings***

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;

- (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees

15.1 Committees

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

WOOMERA AREA SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members

- 13.4 Notice of Election
- 13.5 Election without Ballot
- 13.6 Contested Elections
- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

*(School with a school-based preschool)***1. Name**

The name of the council is Woomera Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Woomera Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing *in loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights

- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Woomera Area School Governing Council must comprise 11 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 6 Elected parent members (including preschool parents)
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 *General Meetings of the School Community***

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 *Meetings***

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;

- (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees

15.1 Committees

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

YANKALILLA AREA SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members

- 13.4 Notice of Election
- 13.5 Election without Ballot
- 13.6 Contested Elections
- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION
(School without a school-based preschool)

1. Name

The name of the council is Yankalilla Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Yankalilla Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

6.2 The principal must also:

- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
- 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
- 6.2.3 report on learning, care, training and participation outcomes to council
- 6.2.4 supervise and promote the development of staff employed by the council
- 6.2.5 be responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex-officio* member of council with full voting rights

- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Yankalilla Area School Governing Council must comprise 13 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 7 Elected parent members
 - 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
 - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
 - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 General Meetings of the School Community**

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 Council Meetings

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 Extraordinary Council Meetings

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 Voting

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 Conflict of Interest

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;

- (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees

15.1 Committees

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

These amendments take effect from the date of publication of this notice in the Gazette.

Dated: 10 July 2025

CAROLINE FISHPOOL
Lead Director, Conditions for Learning, Schools and Preschools
Delegate of the Minister for Education

ENERGY RESOURCES ACT 2000*Surrender of Petroleum Exploration Licence—PEL 639*

Notice is hereby given that I have accepted the surrender of the abovementioned petroleum exploration licence under the provisions of the *Energy Resources Act 2000*, pursuant to delegated powers dated 19 August 2024:

No. of Licence	Licensee	Locality	Effective Date of Surrender	Reference
PEL 639	Impress (Cooper Basin) Pty Ltd	Cooper/Eromanga Basin	20 June 2025	MER F2014/000972

Dated: 1 July 2025

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

FISHERIES MANAGEMENT ACT 2007**SECTION 115***Ministerial Exemption: ME9903379*

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, Ms. Claudia Sebeeney, Floodplain Ecologist, Department for Environment and Water of 28 Vaughan Terrace, Berri SA 5343 (the 'exemption holder') and the nominated agents listed in Schedule 3, are exempt from Sections 70 and 71(1)(b) and 71(2) of the *Fisheries Management Act 2007* and Regulation 5 and Clauses 40, 44, 74 and 75 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder or the nominated agents may engage in fish, tadpole and turtle surveying activities within the waters described in Schedule 1, using the gear specified in Schedule 2 (the 'exempted activity'), subject to the conditions set out in Schedule 3, from 4 July 2025 until 30 June 2026, unless varied or revoked earlier.

SCHEDULE 1

The waters of Chowilla, Katarapko and Pike Floodplains within the South Australian Riverlands and off-river Wetlands between Blanchetown and Chowilla.

SCHEDULE 2

- 21 x single wing fyke nets (4mm mesh, 5m wing).
- 21 x double wing fyke nets (4mm mesh, 2 x 5m wings).
- 6 x dip nets (4mm mesh, small and medium).
- 3 x seine nets (4mm mesh, 5m length).
- 9 x gill nets (76, 102 and 127mm mesh, 15m length).

SCHEDULE 3

1. The exemption holder will be deemed responsible for the conduct of all agents conducting the exempted activities under this notice. Any person conducting activities under this exemption must be provided with a copy of this notice, which they must have signed as an indication that they have read and understand the conditions under it, prior to engaging in the exempted activity.
2. All protected and native fish taken pursuant to the exempted activity must be returned to the water immediately upon measuring at the locations where they were captured.
3. All non-native or noxious species of fish caught during the exempted activity must be destroyed and disposed of appropriately.
4. All nets left unattended must be clearly marked with name and Ministerial exemption number on a tag if set close to shore or on a 2L buoy if set away from shore.
6. All nets left unattended must be removed from the water and cleared every 16 hours.
7. The following employees of the Department for Environment and Water are the nominated agents of the exemption holder:
 - Samantha Walters, 28 Vaughan Terrace, Berri, SA 5452
 - Casey O'Brien, 28 Vaughan Terrace, Berri, SA 5452
 - Michelle Denny, 81-95 Waymouth Street, Adelaide, SA 5000
 - Alison Stokes, 28 Vaughan Terrace, Berri, SA 5452
 - Oliver Cirocco, 28 Vaughan Terrace, Berri, SA 5452
 - Jade Tiegeler, 81-95 Waymouth Street, Adelaide, SA 5000
 - Susan Gehrig, 28 Vaughan Terrace, Berri, SA 5452.
8. The exemption holder must notify the Department of Primary Industries and Regions (PIRSA) by contacting Fishwatch on 1800 065 522 at least 2 hours prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption notice at the time of making the call and be able to provide information about the area and time of the exempted activity, the vehicles and boats involved, the number of agents undertaking the exempted activity and other related questions.
9. The exemption holder must provide a written report detailing the outcomes of the collection of organisms pursuant to this notice to PIRSA, Fisheries and Aquaculture, (PIRSA.Ministerialexemptionsandpermits@sa.gov.au) upon completion, giving the following details:
 - the date, soak time and location of collection;
 - the number of nets or traps used on each date;
 - the description of all species surveyed; and
 - the number of each species surveyed.
10. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer if requested.
11. The exemption holder must not contravene or fail to comply with the *Fisheries Management Act 2007*, or any Regulations made under that Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including but not limited to the *River Murray Act 2003*.

Dated: 3 July 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

HEALTH CARE ACT 2008

CORRIGENDUM

Fees and Charges

The notice published in the *South Australian Government Gazette* No. 27, dated 15 May 2025, on page 1026, under the *Health Care Act 2008* with the heading *Fees and Charges*, contains errors in the table under *Schedule 5—Classification of Public Hospital Sites*, this table should be replaced with the following:

SCHEDULE 5

Classification of Public Hospital Sites

Public hospital site classifications for emergency department (ED) services and outpatient (OP) services.

Incorporated Hospitals and Public Hospital Sites	ED Type	OP Type
Northern Adelaide Local Health Network Incorporated		
• Lyell McEwin Health Service facility	Teaching	Teaching
• Modbury Hospital facility	Teaching	Teaching

Incorporated Hospitals and Public Hospital Sites	ED Type	OP Type
Southern Adelaide Local Health Network Incorporated		
• Flinders Medical Centre Facility	Teaching	Teaching
• Noarlunga Hospital facility	Other Metro	Other Metro
Central Adelaide Local Health Network Incorporated		
• Royal Adelaide Hospital facility	Teaching	Teaching
• Hampstead Rehabilitation facility	Teaching	Teaching
• The Queen Elizabeth Hospital facility	Teaching	Teaching
• St Margaret's Hospital facility	Other Metro	Other Metro
• Central Adelaide Local Health Network Incorporated Rehabilitation Facilities	Teaching	Teaching
Women's and Children's Health Network Incorporated		
• Women's and Children's Hospital facility (Women's)	Other Metro	Teaching
• Women's and Children's Hospital facility (Paediatric)	Specialist	Specialist
Barossa Hills Fleurieu Local Health Network Incorporated		
• Angaston & District Hospital facility	Other Country	Other Country
• Eudunda Hospital facility	Other Country	Other Country
• Gawler Health Service (Public) facility	Other Country	Large Country
• Gumeracha District Soldiers' Memorial Hospital facility	Other Country	Other Country
• Kangaroo Island Health Service	Other Country	Other Country
• Kapunda Hospital facility	Other Country	Other Country
• Mt Barker District Soldiers' Memorial Hospital facility	Other Country	Other Country
• Mt Pleasant District Hospital facility	Other Country	Other Country
• Strathalbyn & District Soldiers' Memorial Hospital facility	Other Country	Other Country
• Tanunda War Memorial Hospital facility	Other Country	Other Country
• Southern Fleurieu Health Service	Other Country	Other Country
Eyre and Far North Local Health Network Incorporated		
• Ceduna District Hospital facility	Other Country	Other Country
• Cleve District Hospital facility	Other Country	Other Country
• Coober Pedy Hospital facility	Other Country	Other Country
• Cowell District Hospital facility	Other Country	Other Country
• Cummins and District Memorial Hospital facility	Other Country	Other Country
• Elliston Hospital facility	Other Country	Other Country
• Kimba District Hospital facility	Other Country	Other Country
• Oodnadatta Health facility	Other Country	Other Country
• Pt Lincoln Hospital facility	Other Country	Other Country
• Streaky Bay Hospital facility	Other Country	Other Country
• Tumby Bay Hospital facility	Other Country	Other Country
• Wudinna Hospital facility	Other Country	Other Country
Flinders and Upper North Local Health Network Incorporated		
• Andamooka Community Health Services facility	Other Country	Other Country
• Hawker Memorial Hospital facility	Other Country	Other Country
• Leigh Creek Health Clinic	Other Country	Other Country
• Marree Hospital facility	Other Country	Other Country
• Pt Augusta Hospital facility	Large Country	Large Country
• Quorn & District Memorial Hospital facility	Other Country	Other Country
• Roxby Downs Health Service facility	Other Country	Other Country
• Whyalla Hospital & Health Service facility	Large Country	Large Country
Riverland Mallee Coorong Local Health Network Incorporated		
• Barmera District Health Services facility	Other Country	Other Country

Incorporated Hospitals and Public Hospital Sites	ED Type	OP Type
• Berri Hospital facility (also known as Riverland Regional Health Service, Berri)	Other Country	Other Country
• Karoonda and District Soldiers' Memorial Hospital facility	Other Country	Other Country
• Lameroo District Health Services facility	Other Country	Other Country
• Loxton Hospital Complex facility	Other Country	Other Country
• Mannum District Hospital facility	Other Country	Other Country
• Meningie & Districts Memorial Hospital and Health Service facility	Other Country	Other Country
• Murray Bridge Soldiers' Memorial Hospital facility	Other Country	Other Country
• Pinnaroo Soldiers' Memorial Hospital facility	Other Country	Other Country
• Renmark & Paringa District Hospital facility	Other Country	Other Country
• Tailem Bend District Hospital facility	Other Country	Other Country
• Waikerie Health Services facility	Other Country	Other Country
Limestone Coast Local Health Network Incorporated		
• Bordertown Memorial Hospital facility	Other Country	Other Country
• Kingston Soldiers' Memorial Hospital facility	Other Country	Other Country
• Millicent and District Hospital facility	Other Country	Other Country
• Mt Gambier Regional Health Services facility	Country A&E SMO	Large Country
• Naracoorte Health Services facility	Other Country	Other Country
• Penola War Memorial Hospital facility	Other Country	Other Country
Yorke and Northern Local Health Network Incorporated		
• Balaklava Soldiers' Memorial District Hospital facility	Other Country	Other Country
• Booleroo Centre District Hospital facility	Other Country	Other Country
• Burra Hospital facility	Other Country	Other Country
• Clare District Hospital facility	Other Country	Other Country
• Crystal Brook District Hospital facility	Other Country	Other Country
• Jamestown Hospital facility	Other Country	Other Country
• Laura and District Hospital facility	Other Country	Other Country
• Maitland Hospital facility (also known as Central Yorke Peninsula Hospital)	Other Country	Other Country
• Minlaton District Hospital facility	Other Country	Other Country
• Northern Yorke Peninsula Health Service facility (also known as Wallaroo Hospital)	Other Country	Other Country
• Orroroo and District Health Service facility	Other Country	Other Country
• Peterborough Soldiers' Memorial Hospital facility	Other Country	Other Country
• Pt Broughton District Hospital & Health Services facility	Other Country	Other Country
• Pt Pirie Regional Health Service facility	Large Country	Large Country
• Riverton District Soldiers' Memorial Hospital facility	Other Country	Other Country
• Snowtown Memorial Hospital facility	Other Country	Other Country
• Yorketown Hospital facility (also known as Southern Yorke Peninsula Health Service)	Other Country	Other Country

HEALTH CARE ACT 2008

SCHEDULE 3, SECTION 5A

Notice by the Minister—Requirement to Publish

Take note that I, Chris Picton, Minister for Health and Wellbeing, pursuant to Schedule 3 Section 5A of the *Health Care Act 2008*, is pleased to announce the reappointment of members to the Central Adelaide Local Health Network Governing Board for the terms indicated as per this Notice:

Ingrid Kristina Haythorpe, commencing 1 July 2025 and expiring 30 June 2028;
 Justin John Beilby, commencing 1 July 2025 and expiring 30 June 2026; and
 Raymond John Spencer, Chair, commencing 1 July 2025 and expiring 30 June 2026.

Dated: 1 July 2025

CHRIS PICTON MP
 Minister for Health and Wellbeing

HOUSING IMPROVEMENT ACT 2016

Rent Control

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby fixes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
9 Foster Avenue, Paradise SA 5075	Allotment 24 Deposited Plan 6249 Hundred of Adelaide	CT5610/847	\$0.00
37 Gladstone Avenue, Kilburn SA 5084	Allotment 307 Deposited Plan 1515 Hundred of Yatala	CT5100/463	\$0.00
11 Union Street, Dulwich SA 5065	Unit 2 Strata Plan 6033 Hundred of Adelaide	CT5011/144	\$295.00
15 Kooline Crescent, Gilles Plains SA 5086	Allotment 289 Deposited Plan 7688 Hundred of Yatala	CT5446/418	\$0.00

Dated: 10 July 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby revokes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
286A Vale Road, Highland Valley SA 5255 (AKA—SAILIS Address—10 Armadillo Drive, Highland Valley)	Allotment 9 Filed Plan 122 Hundred of Strathalbyn	CT5499/352
26 Welby Avenue, Salisbury East SA 5109	Allotment 9 Deposited Plan 7365 Hundred of Yatala	CT5119/399
11 Leslie Place, Port Adelaide SA 5015	Lot 1 Community Plan 26112 Hundred of Yatala	CT 6060/545
90 Old Sturt Highway, Barmera SA 5345 (AKA Section 188)	Section 188 Hundred Plan 740900 Hundred of Cobdogla Irrigation Area	CT5846/979
47 Shipster Street, Torrensville SA 5031	Allotment 48 Deposited Plan 1959 Hundred of Adelaide	CT5836/682
15 Beach Road, Saint Kilda SA 5110	Allotment 3 Filed Plan 7892 Hundred of Port Adelaide	CT 5312/410
37 Mildred Street, Kapunda SA 5373	Allotment 2 Deposited Plan 179 Hundred of Kapunda	CT5573/102
12 Henry Street, Payneham SA 5070	Allotment 1 Deposited Plan 1053 Hundred of Adelaide	CT6078/590
25 Railway Terrace, Snowtown SA 5520	Allotment 174 Town Plan 210101 Hundred of Snowtown	CT5809/381
41 Clarke Street, Rosewater SA 5013	Allotment 8 Filed Plan 107308 Hundred of Port Adelaide	CT5181/110
Lot 105 Arumpo Street, Renmark West SA 5341	Allotment 105 and 106 Filed Plan 207888 Renmark Irrigation District	CT5479/552
9 Ross Street, Thebarton SA 5031	Allotment 46 Deposited Plan 1357 Hundred of Adelaide	CT5220/459
63 Rosewater Terrace, Ottoway SA 5013	Allotment 98 Filed Plan 126578 Hundred of Port Adelaide	CT5741/272
29 Ansell Street, Semaphore SA 5019	Allotment 82 Deposited Plan 385 Hundred of Port Adelaide	CT5676/994
7 College Street, Port Adelaide SA 5015	Allotment 436 Deposited Plan 3 Hundred of Yatala	CT5112/952

Dated: 10 July 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

HOUSING IMPROVEMENT ACT 2016

Rent Control Variation

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby varies the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Reason for Variation	Maximum Rental per week payable
32 Cooinda Avenue, Redwood Park SA 5097	Allotment 45 Deposited Plan 6968 Hundred of Yatala	CT5652/830		\$0.00

Dated: 10 July 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

JUSTICES OF THE PEACE ACT 2005

SECTION 4

*Notice of Appointment of Justices of The Peace for South Australia
by the Commissioner for Consumer Affairs*

I, Brett Humphrey, Commissioner for Consumer Affairs, delegate of the Attorney-General, pursuant to Section 4 of the *Justices of the Peace Act 2005*, do hereby appoint the people listed as Justices of the Peace for South Australia as set out below. It being a condition of appointment that the Justices of the Peace must take the oaths required of a justice under the *Oaths Act 1936* and return the oaths of office form to Justice of the Peace Services within three months after the date of appointment.

For a period of ten years for a term commencing on 21 July 2025 and expiring on 20 July 2035:

Jacinta Lee YOUNG
Yik Kan WONG
Bess Angela WINKLEY
Meriki Kiyas WEBBER
Suby VEERAPPALLIL MATHEW
Peter Norman TWINN
Hun Wee TOH
Kenneth Malcolm THOMPSON
Jacquiline Faith SANDERCOCK
No Given Name RAJBIR KAUR
Lynn PHELAN
Javad MORADTALAB
Basir MISAGHI
Susan Joy MAYER
Justin Luke MARTIN
Shawn Phillip LOCK
Dermot LEWIS
Janet Helen HOCKING
Tamara Anne HENWOOD
Lorin Nicole HAINING
Carly Rose FLETCHER
Neelam FAQIRI
Elizabeth Sarah DOBBIE
Dilesh Nand CHAUDHARY
Samuel Angus Xiao Jun ALLEN

Dated: 8 July 2025

BRETT HUMPHREY
Commissioner for Consumer Affairs
Delegate of the Attorney-General

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 83 Pirie Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 81 in Deposited Plan 133549 comprised in Certificate of Title Volume 6300 Folio 991, and being the whole of the land identified as Allotment 364 in D131741 lodged in the Lands Titles Office.

This notice is given under Section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (Section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of up to \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to: Daniel Tuk
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2479

Dated: 7 July 2025

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Director, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

File Reference: 2022/08920/01

MENTAL HEALTH ACT 2009*Authorised Community Mental Health Facility*

Notice is hereby given that the Chief Psychiatrist, pursuant to Section 97A of the *Mental Health Act 2009*, has determined that the following place will be an Authorised Community Mental Health Facility for the purposes of this Act:

Port Lincoln Child and Adolescent Mental Health Service, 21 Oxford Terrace, Port Lincoln SA 5606.

Dated: 10 July 2025

DR JOHN BRAYLEY
Chief Psychiatrist

MENTAL HEALTH ACT 2009*Authorised Mental Health Professional*

Notice is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following person as an Authorised Mental Health Professional:

Eva Gill-Minero

The determination will expire three years after the commencement date.

The Chief Psychiatrist make vary or revoke these determinations at any time.

Dated: 10 July 2025

DR JOHN BRAYLEY
Chief Psychiatrist

MINING ACT 1971*Application for a Mining Lease*

Notice is hereby given in accordance with Section 56H of the *Mining Act 1971*, that an application for a Mining Lease over the undermentioned mineral claim has been received:

Applicant: Clay & Mineral Sales Pty Ltd (ACN 007 572 787)
Claim Number: 4558
Location: CT 5963/974, Reeves Plains area, approximately 40 km north of Adelaide.
Area: 8.1 hectares approximately
Purpose: Extractive Minerals (Sand)
Reference: 2023/000085

To arrange an inspection of the proposal at the Department for Energy and Mining, please call the Department on (08) 8463 3103.

An electronic copy of the proposal can be found on the Department for Energy and Mining website:

<https://www.energymining.sa.gov.au/industry/minerals-and-mining/mining/community-engagement-opportunities>

Written submissions in relation to this application are invited to be received at the Department for Energy and Mining, Mining Regulation, Attn: Business Support Officer, GPO Box 618, Adelaide SA 5001 or dem.miningregrehab@sa.gov.au by no later than **7 August 2025**.

The delegate of the Minister for Energy and Mining is required to have regard to these submissions in determining whether to grant or refuse the application and, if granted, the terms and conditions on which it should be granted.

When you make a written submission, that submission becomes a public record. Your submission will be provided to the applicant and may be made available for public inspection.

Dated: 10 July 2025

C. ANDREWS
Mining Registrar
Delegate for the Minister for Energy and Mining
Department for Energy and Mining

ROADS (OPENING AND CLOSING) ACT 1991

SECTIONS 6 AND 34

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Unmade Public Roads, Nullarbor*

By Road Process Order made on 2 July 2025, the Minister for Planning ordered that:

1. The Unnamed Public Road situated adjacent Eyre Highway and situated adjoining Allotment comprising Pieces 32, 33, 34, 35, 36 and 37 in Deposited Plan 113589, Out of Hundreds (Coompana), more particularly delineated and lettered 'A', 'B', 'C', 'D' and 'E' in Preliminary Plan 25/0001 be closed.
2. Vest in the Crown the whole of the closed roads described in order (1) and issue in the name of Minister for Climate, Environment and Water.

On 2 July 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 137664 being the authority for the new boundaries.

Pursuant to Section 24(5) of the *Roads (Opening and Closing) Act 1991*, notice of the order referred to above and its confirmation is hereby given.

Dated: 10 July 2025

B. J. SLAPE
Surveyor-General

2024/06903/01

SOUTH AUSTRALIAN MOTOR SPORT REGULATIONS 2014

REGULATION 10

Opening and Closing Time of the Declared Area—Notice by the Board

Pursuant to Regulation 10 of the *South Australian Motor Sport Regulations 2014*, I, Mark Warren, Chief Executive of the South Australian Motor Sport Board to whom the administration of that regulation has been committed, hereby fix the following opening and closing times in respect of declared areas for each day of the declared period for the 2025 Bridgestone World Solar Challenge:

Day	Opening Time	Closing Time
Wednesday, 27 August 2025	8:00am	8:00pm
Thursday, 28 August 2025	8:00am	8:00pm
Friday, 29 August 2025	8:00am	8:00pm
Saturday, 30 August 2025	8:00am	8:00pm
Sunday, 31 August 2025	8:00am	8:00pm

Dated: 10 July 2025

MARK WARREN
Chief Executive
South Australian Motor Sport Board

UNREGULATED FEES AND CHARGES

SOUTH AUSTRALIAN MIGRATION FEES 2025

*Notice by the Minister for Workforce and Population Strategy—
Fees Payable for Services Provided by the Department of State Development*

The fees set out in the table below are payable for the assessment by the Department of State Development of an application made by a prospective migrant to the State seeking nomination or sponsorship relating to the making of an application for the appropriate visa for the purposes of the *Migration Act 1958* (Cth).

Class of Migrant	Application to be Assessed	Fee	GST Status
Skilled Migrant	Assessment of an application by a skilled migrant to be nominated for a general skilled work visa, skilled nomination visa or any individual skilled visa stream that supersedes the aforementioned streams.	\$381	Applicable to onshore applicants
Business Migrant (excluding 188 Entrepreneur stream where supported by a designated service provider)	Assessment of an application by a business migrant to be nominated for a business innovation and investment visa, business talent visa or any business visa stream that supersedes the aforementioned streams.	\$1,075	Applicable to onshore applicants
Investor Retirement Renewal	Assessment of an application by an applicant to be nominated or sponsored for an Investor Retirement Renewal visa (Subclass 405).	\$635	Applicable to onshore applicants
Business Migrant 188 Entrepreneur stream (where supported by a designated service provider)	Assessment of an application by a business migrant to be nominated for a 188 Entrepreneur stream visa where supported by designated service provider.	\$381	Applicable to onshore applicants
408 Temporary Activity Visa for a Government endorsed event	Assessment of an application by an applicant for a 408 Temporary Activity Visa for a Government endorsed event.	\$381	Applicable to onshore applicants

This notice will come into operation on the date of Gazettal.

Dated: 3 July 2025

HON DR SUSAN CLOSE MP
Minister for Workforce and Population Strategy

LOCAL GOVERNMENT INSTRUMENTS

CITY OF ADELAIDE

LOCAL GOVERNMENT ACT 1999

Adoption of Valuations and Declaration of Rates

Notice is hereby given that the Council of the Corporation of the City of Adelaide at its meeting held on 24 June 2025 and for the year ending 30 June 2026:

1. Adopted for rating purposes the valuations prepared by Westlink Consulting of annual values applicable to land within the Council area totalling \$1,470,175,261 of which \$1,173,692,416 is for rateable land.
2. Declared differential general rates based upon the use of land as follows:
 - 2.1 0.115205 rate in the dollar for all rateable land with a Category 1 residential land use; and
 - 2.2 0.230409 rate in the dollar for all rateable land with a Category 8 vacant land use; and
 - 2.3 0.141126 rate in the dollar for all other rateable land with all other land uses in the Council area.
3. Declared a separate rate of 0.001678 rate in the dollar (the Regional Landscape Levy) on all rateable land in the Council area which falls within the Green Adelaide Region to recover the amount of \$1,880,673 payable to the Green Adelaide Board (formerly the Adelaide and Mount Lofty Ranges Natural Resource Management Board).
4. Declared a separate rate of 0.031792 rate in the dollar (the Rundle Mall Differential Separate Rate) on all rateable land except that with a residential land use within the 'Rundle Mall Precinct' (being the area described below) (the Precinct) to fund marketing and management of the Precinct, including actions and initiatives to promote Rundle Mall as a destination for shopping and to enhance the vibrancy of the Precinct:
 - 4.1 the area bounded by:
 - 4.1.1 Southern alignment of North Terrace between Pulteney Street and King William Street
 - 4.1.2 Eastern alignment of King William Street between North Terrace and Grenfell Street
 - 4.1.3 Northern alignment of Grenfell Street between King William Street and Pulteney Street
 - 4.1.4 Western alignment of Pulteney Street between Grenfell Street and North Terrace.

Dated: 10 July 2025

M. SEDGMAN
Chief Executive Officer

CAMPBELLTOWN CITY COUNCIL

Adoption of Valuations and Declaration of Rates

Notice is hereby given that at its meeting held on 1 July 2025, the Corporation of the City of Campbelltown for the financial year ending 30 June 2026 resolved:

Adoption of Valuation

To adopt for rating purposes the most recent valuations supplied by the Valuer-General of the capital value of land within the Council's area totalling \$24,171,483,720 of which \$23,441,664,065 is rateable and \$729,819,655 is non-rateable.

Declaration of General Rate for the Year 2025/2026

To declare a general rate of 0.00217122 for each dollar of the assessed capital value of rateable land within the Council's area.

Minimum Rate

To fix a minimum amount payable by way of general rates of \$1,200 in respect of rateable land within the Council's area.

Regional Landscape Levy

To declare a separate rate of 0.00006332 in the dollar on the capital value of all rateable land within the Council's area to reimburse the Council for amounts contributed to the Green Adelaide Board.

Dated: 10 July 2025

P. DI IULIO
Chief Executive Officer

CITY OF CHARLES STURT

Adoption of Valuations and Declaration of Rates

Notice is hereby given that at its meeting held on 23 June 2025, the Council for the financial year ending 30 June 2026:

1. Adopted the most recent valuations of the Valuer-General available to the Council of the Capital Value of land within the Council's area, totalling \$61,656,880,040 (of which \$59,456,577,587 is for rating purposes).
2. Declared differential general rates as follows:
 - (a) 0.181141064 cents in the dollar on rateable land of Category 1;
 - (b) 0.6556939550 cents in the dollar on rateable land of Categories 2, 3 and 4;
 - (c) 0.6724583810 cents in the dollar on rateable land of Categories 5 and 6;
 - (d) 0.334850945 cents in the dollar on rateable land of Category 7;
 - (e) 0.527839727 cents in the dollar on rateable land of Category 8;
 - (f) 0.3401438670 cents in the dollar on rateable land of Category 9.
3. Declared a minimum amount payable by way of general rates of \$1,350.

4. Declared a separate rate of 0.00620500 cents in the dollar on all rateable land in the Council area in respect of the Green Adelaide Board Regional Landscape Levy.

Dated: 10 July 2024

P. SUTTON
Chief Executive Officer

CITY OF MOUNT GAMBIER

Adoption of Valuations and Declaration of Rates

Notice is hereby given that the council, in exercise of the powers contained in Chapters 8, 9 and 10 of the *Local Government Act 1999* and the *Landscape South Australia Act 2019* at a meeting held on 24 June 2025 and for the financial year ending 30 June 2026:

1. Adoption of Valuations

Adopted for rating purposes, the capital valuations of the Valuer-General's most recent valuations applicable to land within the area of the Council totalling \$7,358,665,200.

2. Declaration of Rates

- (i) Declared differential general rates in the dollar based on capital values as follows:
 - (a) 0.182106 cents in the dollar on rateable land of categories (a) Residential, (g) Primary Production and (i) Other land uses; and
 - (b) 0.491686 cents in the dollar on rateable land of categories (b) Commercial—Shop, (c) Commercial—Office, (d) Commercial—Other, (e) Industry—Light, (f) Industry—Other and (h) Vacant Land uses.
- (ii) Declared a fixed charge as a component of the general rates of \$683.90.
- (iii) Declared separate rates with a fixed charge amount that depends upon the use of the land to recover the contribution to the Regional Landscape Levy for the Limestone Coast Landscape Region as follows:
 - (a) \$95.70 per assessment on rateable land categories (a) Residential, (h) Vacant Land and (i) Other,
 - (b) \$142.20 per assessment on rateable land categories (b) Commercial—Shop, (c) Commercial—Office and (d) Commercial—Other,
 - (c) \$228.00 per assessment on rateable land categories (e) Industry—Light and (f) Industry—Other, and
 - (d) \$419.00 per assessment on rateable land category (g) Primary Production.

3. Service Charge

Imposed a Waste Service Charge of \$344.00 on all land to which it provides or makes available the prescribed service.

Dated: 10 July 2025

SARAH PHILPOTT
Chief Executive Officer

RURAL CITY OF MURRAY BRIDGE

Adoption of Valuations and Declaration of Rates 2025-2026

Notice is hereby given that the Rural City of Murray Bridge at a meeting held on 23 June 2025, resolved:

Adoption of Annual Business Plan and Budget 2025-2026

That pursuant to Sections 123(6) and (7) of the *Local Government Act 1999* and Regulations 6 and 7 of the *Local Government (Financial Management) Regulations 2011*, having considered submissions in accordance with Section 123(6) of the *Local Government Act 1999* and having regard to all relevant information in the possession of the Council, the Council adopts the Annual Business Plan and Budget for 2025-2026.

Adoption of Valuations

That pursuant to Section 167(2) of the *Local Government Act 1999* the most recent valuations of the Valuer-General available to Council of the capital value of land within Council's area totalling \$6,932,741,960 be adopted for rating purposes with the total capital value of rateable land within Council's area for 2025-2026 being \$6,715,698,312.

Declaration of General Rates

That, having taken into consideration the general principles of rating contained in Section 150 of the *Local Government Act 1999* and having observed the requirements of Section 153 of the *Local Government Act 1999*, and in accordance with Regulation 14 of the *Local Government (General) Regulations 2013*, the Council declares, pursuant to Sections 152 and 153 of the *Local Government Act 1999* for the year ending 30 June 2026, differential general rates in respect of all rateable land within its area on the basis of land use as follows:

- (i) 0.51411 cents in the dollar of the Capital Value of rateable land of Categories (a) and (i) uses (residential and "other" categories)
- (ii) 0.82257 cents in the dollar of the Capital Value of rateable land of Categories (b), (c) and (d) uses (commercial categories)
- (iii) 0.71976 cents in the dollar of the Capital Value of rateable land of Categories (e) and (f) uses (industrial categories)
- (iv) 0.46270 cents in the dollar of the Capital Value of rateable land of Category (g) use (primary production category)
- (v) 0.77117 cents in the dollar of the Capital Value of rateable land of Category (h) use (vacant land category)

Declaration of Minimum Rates

That pursuant to Section 158(1)(a) of the *Local Government Act 1999* the Council fixes in respect to the year ending 30 June 2026, a minimum amount payable by way of general rates of \$1,176.

Regional Landscape Levy

That pursuant to Part 5 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, the Council declares, in respect of the year ending 30 June 2026, a separate rate of 0.0148121 cents in the dollar, based on the capital value of rateable land within the Council's area and within the area of the Murraylands and Riverland Landscape Board in order to recover the amount payable to the Board.

*Declaration of Annual Service Charges and Service Rates
Community Waste Water Management and Water Supply Schemes*

(1) Riverglen

Pursuant to Section 155(2) of the *Local Government Act 1999*, a total of \$107,122 is to be levied against the properties within the area known as “Riverglen” to which Council provides or makes available the prescribed services of community wastewater management and water supply.

Accordingly in 2025-2026, an annual service charge and service rate are imposed on Allotments 1 to 30 and Allotment 126 in Deposited Plan DP30450, Allotment 53 in Deposited Plan DP115992, Allotment 50 in Deposited Plan DP42391 and Units 1 to 73 in Strata Plan No SP11238, being land to which the community wastewater management and the water supply schemes are provided or made available as follows:

1. An annual service charge of \$744.00 per assessment plus the relevant per kilolitre charge is imposed on the relevant rateable and non-rateable land based on the nature of the services and the level of usage of the water supply service.
2. The relevant per kilolitre charge for the supply of water is as follows:
 - Usage Charge (<140 kL @ \$2.251)
 - Usage Charge (140–520 kL @ \$3.214)
 - Usage Charge (>520 kL @ \$3.482)
3. A service rate (which is varied in accordance with Section 155(3)(b) of the *Local Government Act 1999* and Regulations 12(4)(a) and 14(1) of the *Local Government (General) Regulations 2013*) is imposed on rateable land as follows:
 - 0.059270 cents in the dollar of the Capital Value of rateable land of Category (a), (e), (f), (g), (h) and (i) uses (residential, industry—light, industry—other, primary production, vacant land and other);
 - 0.28953 cents in the dollar of the Capital Value of rateable land of Categories (b), (c), (d), uses (commercial—shop, commercial—office, commercial—other).

(2) Woodlane

Pursuant to Section 155(2) of the *Local Government Act 1999*, a total of \$104,671 is to be levied against the properties within the area known as “Woodlane” to which Council provides or makes available the prescribed services of community wastewater management and water supply.

Accordingly in 2025-2026, an annual service charge and service rate are imposed on Allotments 1 to 18 in Deposited Plan DP48073, Allotments 191 and 192 in Deposited Plan DP75292, Allotments 1 to 4, 7 to 37 and 40 in Deposited Plan DP51229, Allotment 50 in Deposited Plan DP53034 and Allotment 200 in Deposited Plan DP62423, being land to which the community wastewater management and the water supply schemes are provided or made available as follows:

1. An annual service charge of \$950 per assessment plus the relevant per kilolitre charge is imposed on the relevant rateable and non rateable land based on the nature of the services and the level of usage of the water supply service.
2. The relevant per kilolitre charge for the supply of water is \$3.482 per kL for any usage above 130kL per annum.
3. A service rate of 0.146350 cents in the dollar of the Capital Value of rateable land is imposed on rateable land.

Waste Collection

That pursuant to Section 155(2) of the *Local Government Act 1999* the following annual service charges are imposed according to the nature of the service as follows, subject (where relevant) to the application of Regulation 13 of the *Local Government (General) Regulations 2013*:

Kerbside Recycling and Green Waste Service

An annual service charge of \$105 will be applied in 2025-2026 to those properties to which the Council provides or makes available a kerbside recycling collection service.

An annual service charge of \$66 will be applied in 2025-2026 to those properties in Murray Bridge, Callington, Jervois, Mypolonga, Wellington and Woodlane to which the Council provides or makes available a kerbside green waste collection service.

That pursuant to Section 188 of the *Local Government Act 1999* the following fees and charges are imposed:

(1) New Garbage Collection Service

For the supply of a mobile garbage bin to land to which the new service is provided, a charge of \$100 per bin in respect of the year ending 30 June 2026.

(2) Replacement Bins

For the replacement of lost, damaged or stolen bins, a charge of \$100 per bin in respect of the year ending 30 June 2026.

(3) Additional Garbage Collection Service

For the supply of additional mobile garbage bin/s to land to which the relevant collection service is provided, a charge of \$165 per bin in respect of the year ending 30 June 2026.

Payment of Rates

That pursuant to Sections 181(1) and (2) of the *Local Government Act 1999* rates for the year ending 30 June 2026 will fall due in four equal or approximately equal instalments on 4 September 2025, 4 December 2025, 4 March 2026 and 4 June 2026.

Dated: 10 July 2025

H. BARCLAY
Chief Executive Officer

CITY OF ONKAPARINGA

Adoption of Valuations and Declaration of Rates for 2025-26

Notice is given that at its meeting held on 1st July 2025 the Council, for the financial year ending 30 June 2026:

Adoption of Valuation

Adopted for rating purposes the Valuer-General's most recent valuation of capital values of land within the Council's area being \$63,157,884,820.00.

Declaration of General Rates

Declared differential general rates based on two components:

1. one being based on the value of the land and varying according to land use, as follows:
 - (i) 0.16453990 cents in the dollar on rateable land of category (a) (Residential) use
 - (ii) 0.30151980 cents in the dollar on rateable land of categories (b), (c), (d), (Commercial—Shop, Office and Other respectively) and (e) and (f) (Industrial—Light and Other respectively) uses
 - (iii) 0.24237656 cents in the dollar on rateable land of category (g) (Primary Production) use
 - (iv) 0.18328497 cents in the dollar on rateable land of category (h) (Vacant Land) use and
 - (v) 0.15646813 cents in the dollar on rateable land of category (i) (Other) use; and
2. the other being a fixed charge of \$790.00

Declaration of Separate Rates—Landscape Levies

Declared separate rates as follows:

- (vi) 0.00942823 cents in the dollar on all rateable land in the Council area of the Hills and Fleurieu landscape management region
- (vii) 0.00628260 cents in the dollar on all rateable land in the Council area of the Green Adelaide landscape management region

Service Charges

Imposed a community wastewater management annual service charge on all land (rateable and non-rateable) to which it provides or makes available the CWMS prescribed service of collection, disposal and treatment of waste based on the CWMS Property Units Code of:

- \$1,268.59 per unit on each occupied allotment; and
- \$1,268.59 per unit on each vacant allotment

Dated: 2 July 2025

PHU NGUYEN
Chief Executive Officer

CITY OF WEST TORRENS

Adoption of Valuations and Declaration of Rates

Notice is hereby given that the council, in exercise of the powers contained in Chapters 8, 9 and 10 of the *Local Government Act 1999* and the *Landscape South Australia Act 2019*:

1. Adoption of valuations

At a meeting held on 1 July 2025, adopted for rating purposes, for the year ended 30 June 2026, the capital valuations of the Valuer-General of all property within the council area, totalling \$32,276,634,600.

2. Declaration of rates

At a meeting held on 1 July 2025:

- (i) Declared differential general rates in the dollar based on capital values as follows:
 - (a) 0.186838 cents in the dollar on rateable land use of the permissible differing category (a);
 - (b) 0.504462 cents in the dollar on any rateable land of the permissible differing categories (b) to (i) inclusive.
- (ii) Declared a minimum amount payable by way of general rates on rateable land in its area of \$1,206.00.
- (iii) Declared a separate rate on rateable land within the council area of 0.006493 cents in the dollar based on capital values, as a contribution to the Green Adelaide Board.

3. Payment

Rates may be paid by 4 equal or approximately equal instalments as follows:

- (i) 1 September 2025 in respect of the first instalment.
- (ii) 1 December 2025 in respect of the second instalment.
- (iii) 2 March 2026 in respect of the third instalment.
- (iv) 1 June 2026 in respect of the fourth instalment.

Ratepayers can also sign up to a free flexible payment system called Payble, which enables payments to be direct debited in instalments and offers payment flexibility.

Council's 2025-26 Annual Business, Budget and Long-Term Financial Plan can be viewed on its website www.westtorrens.sa.gov.au.

Dated: 7 July 2025

ANGELO CATINARI
Chief Executive Officer

ADELAIDE HILLS COUNCIL

Adoption of Valuation and Declaration of Rates 2025-26

Notice is given that at the meeting held on 30 June 2025, the Council, for the financial year ending 30 June 2026, resolved as follows:

Determination of Valuation—2025-26

To adopt for rating purposes the most recent valuations of the Valuer-General of the capital value of land within the Council area, amounting to \$18,115,922,920.

Declaration of General Rates

1. To declare general rates based upon the capital value of rateable land:
 - (a) with a category (a) Residential land use, a rate of 0.2007 cents in the dollar;
 - (b) with a category (b) Commercial—Shop land use, a rate of 0.2709 cents in the dollar;
 - (c) with a category (c) Commercial—Office land use, a rate of 0.2709 cents in the dollar;
 - (d) with a category (d) Commercial—Other land use, a rate of 0.2709 cents in the dollar;
 - (e) with a category (e) Industry—Light land use, a rate of 0.2709 cents in the dollar;
 - (f) with a category (f) Industry—Other land use, a rate of 0.3211 cents in the dollar;
 - (g) with a category (g) Primary Production land use, a rate of 0.1975 cents in the dollar;
 - (h) with a category (h) Vacant Land land use, that is located within a Neighbourhood Type Zone, as defined by the Planning and Design Code and given effect by the *Planning, Development and Infrastructure Act 2016*, a rate of 0.2609 cents in the dollar;
 - (i) with a category (h) Vacant Land land use, that is not located in a Neighbourhood Type Zone, as defined by the Planning and Design Code and given effect by the *Planning, Development and Infrastructure Act 2016*, a rate of 0.2230 cents in the dollar; and
 - (j) with a category (i) Other land use, a rate of 0.2066 cents in the dollar.
2. To declare a fixed charge of \$880 in respect of all rateable land.

Declaration of a Separate Rate—Regional Landscape Levy

3. To declare a separate rate based upon the capital value of rateable land of 0.009814 cents in the dollar in the Council area and in the Hills and Fleurieu Region.

Declaration of a Separate Rate—Stirling Business

4. To declare a separate rate of 0.0793 cents in the dollar on the capital value of rateable land within the precinct known as the Stirling “Suburban Mainstreet Zone” and businesses fronting both sides of Mt Barker Road east of the Stirling “Suburban Mainstreet Zone” to Pine Street, but excluding land with the land use category (a) Residential and government owned land; and
 - (a) to fix a minimum amount payable of \$305; and
 - (b) to fix a maximum amount payable of \$3,000.

Service Charges

5. To impose annual service charges of \$770 for occupied land and \$360 for land which is vacant based on the nature of the service and the level of usage of the service where the Council provides or makes available the following prescribed services:
 - (a) the Woodside Community Wastewater Management System;
 - (b) the Woodside Extension Community Wastewater Management System;
 - (c) the Birdwood and Mt Torrens Community Wastewater Management System;
 - (d) the Kersbrook Township Community Wastewater Management System;
 - (e) the Charleston Community Wastewater Management System;
 - (f) the Verdun Community Wastewater Management System;
 - (g) the Mt Lofty Ward Community Wastewater Management System.

Dated: 2 July 2025

G. GEORGOPOULOS
Chief Executive Officer

THE BAROSSA COUNCIL

Naming and Renaming of Roads

Notice is hereby given that pursuant to Section 219 of the *Local Government Act 1999*, The Barossa Council on 20 May 2025 resolved that the new road within the land division at Allotment 742 Keith Street Tanunda be named as Keith Street and rename Keith Street Extension to Petras Street.

Dated: 20 May 2025

MARTIN MCCARTHY
Chief Executive Officer

COPPER COAST COUNCIL

Adoption of Valuation and Declaration of Rates

Notice is hereby given that the Copper Coast Council, at its Meeting held on Wednesday, 2 July 2025, resolved for the year ending 30 June 2026 as follows:

Adoption of Valuations

To adopt the most recent valuations of the Valuer-General available to the Council, of the capital value of land within the Council area totalling \$6,709,115,260 and of which \$6,610,177,181 is the total valuation of rateable land.

Rates

1. To declare the following differential general rates varying according to the use of the land:
 - (i) Category (a)—Residential, a rate of 0.2720 cents in the dollar;
 - (ii) Category (b)—Commercial—Shop, category (c)—Commercial—Office, category (d)—Commercial Other, a rate of 0.5917 cents in the dollar;
 - (iii) Category (e)—Industry—Light, category (f)—Industry—Other, a rate of 0.5917 cents in the dollar;
 - (iv) Category (g)—Primary Production, a rate of 0.2260 cents in the dollar;
 - (v) Category (h)—Vacant Land, a rate of 0.4656 cents in the dollar;
 - (vi) Category (i)—Other (any other land use not referred to in a previous category), a rate of 0.3104 cents in the dollar; and
 - (vii) Marina Berths, a rate of 0.5917 cents in the dollar.
2. To impose an amount of \$475.00 as a fixed charge as part of the general rates in respect of each separate piece of rateable land in the area of the Council.
3. To declare a separate rate of a fixed amount of \$829.00 in respect of each separate piece of rateable land in that part of the Council area known as “The Dunes” to partly fund the activity of the maintenance of the Port Hughes Golf Course.
4. To declare a differential separate rate of 0.0257 cents in the dollar with a minimum amount of \$50.00 being payable in respect of each separate piece of rateable land (excluding land with a residential land use) in that part of the Council area known as Kadina Central Business District for the activity which is the ‘revitalisation project’.
5. To declare a separate rate of a fixed amount of \$265.00 in respect to each allotment per certificate of title for properties in that part of the Council area adjoining the Riley Cove Community Corporations 20692 internal roads to fund the activity of the replacement of the road seal, pavement and kerbing (internal road maintenance).

Community Wastewater Management Scheme Annual Service Charges

To impose an annual service charge based on the nature of the service and the level of usage of the service of \$624.00 per property unit in respect of all land to which the Council provides or makes available the Community Wastewater Management Scheme.

Regional Landscape Levy

To declare a separate rate of 0.008955 cents in the dollar based on the capital value of all rateable land within the Council area and the area of the Northern and Yorke Landscape Board in order to reimburse the Council the amount of \$585,723.00 payable to the Northern and Yorke Landscape Board.

Dated: 10 July 2025

DYLAN STRONG
Chief Executive Officer

NARACOOORTE LUCINDALE COUNCIL*Adoption of Annual Business Plan 2025-2026*

Notice is hereby given that at its meeting held on 24 June 2025, the Council, in accordance with Section 123 of the *Local Government Act 1999*, adopted its Annual Business Plan 2025-2026.

Adoption of Valuation and Declaration of Rates

Notice is hereby given that at its meeting held on 24 June 2025 the Council, in exercise of the powers contained in Chapter 10 of the *Local Government Act 1999*, adopted the following resolutions:

Adoption of Assessment

That pursuant to Section 167(2)(a) of the *Local Government Act 1999*, Council adopts for the year ending 30 June 2026 the most recent valuations of the Valuer General available to the Council of the capital value of land within the Council’s area being:

Rateable Properties	\$6,088,519,939
Non-Rateable Properties	\$83,643,821

and specifies 1 July 2025 as the day from which such valuations shall become the valuations of the Council.

Adoption of Budget

That pursuant to the provisions of Section 123 of the *Local Government Act 1999*, the 2025-2026 financial budget, as presented, including the:

- Budgeted Statement of Comprehensive Income;
- Budgeted Statement of Financial Position;
- Budgeted Statement of Changes in Equity;
- Budgeted Statement of Cash Flow;
- Budgeted Uniform Presentation of Finances;
- Budgeted Financial Indicators

is adopted involving:

- a total operating deficit of \$303,915.
- a total operating expenditure of \$22,980,050.
- a total capital expenditure of \$11,634,786.
- total loan principal payments of \$267,532.
- a total estimated income & borrowings (other than general rates) of \$11,570,412.
- a total amount required to be raised from general rates (before rate rebates) of \$12,860,533.

Rate Capping

That pursuant to Section 153(3) of the *Local Government Act 1999* the Council has determined that it will not fix a maximum increase in the general rate to be charged on any rateable land within its area that constitutes the principal place of residence.

Declaration of the Rates

That pursuant to Section 156(1)(c) of the *Local Government Act 1999* the Council declares differential general rates according to the locality and the use of the land and based upon the capital value of the land on all rateable properties within the area of the Council, for the year ending 30 June 2026 as follows:

Rural Living.....	0.2900
Deferred Urban	0.2900
Residential (Naracoorte) Zone	0.4136
Recreation (Naracoorte) Zone.....	0.4136
Conservation (Naracoorte) Zone	0.4136
Caravan & Tourist Park (Naracoorte) Zone	0.4136
Mixed Use (Naracoorte) Zone	0.4136
Commercial (Naracoorte) Zone	0.4700
Light Industry (Naracoorte) Zone	0.4700
Industry (Naracoorte) Zone.....	0.4700
Town Centre (Naracoorte) Zone	0.4700
Infrastructure (Naracoorte) Zone	0.4700
Industry Zone.....	0.4700
Primary Production Zone	0.1595
Airfield Zone	0.1595
Town Centre (Lucindale) Zone.....	0.4136
Commercial (Lucindale) Zone	0.4136
Townships Zone.....	0.4136
Residential (Lucindale) Zone	0.4136
Recreation (Lucindale) Zone.....	0.4136

Minimum Rate

Pursuant to Section 158 of the *Local Government Act 1999*, the Council fixes a minimum amount of \$550.00 payable by way of rates for the year ending 30 June 2026.

Declaration of CWMS Service Charge

Pursuant to Section 155 of the *Local Government Act 1999*, the Council fixes an annual service charge for the Lucindale Community Wastewater Management Scheme (CWMS) for the year ending 30 June 2026 as follows:

- (a) in respect of all occupied properties serviced by that scheme in the township of Lucindale \$589.00.
- (b) in respect of all vacant properties serviced by that scheme in the township of Lucindale \$213.00.

Declaration of Waste and Recycling Collection Service Charge

Pursuant to Section 155 of the *Local Government Act, 1999*, the Council fixes an annual service charge for the Waste and Recycling Collection for the year ending 30 June 2026 as follows:

In respect of all occupied rateable properties in defined waste collection areas in Naracoorte, Lucindale, Frances, Hynam and Kybybolite, and properties zoned Rural Living \$455.00.

Declaration of Regional Landscape Levy

Pursuant to the powers contained in the *Landscape South Australia Act 2019*, and Section 154(1) of the *Local Government Act 1999*, in order to reimburse Council, the amount contributed to the Limestone Coast Landscape Board, the Council fixed a separate levy based on land use codes as established by the Valuer-General in respect of each rateable property in the area of the Council in the catchment area of the Board:

- Residential, Vacant and Other\$95.62
- Commercial\$143.43
- Industrial.....\$229.49
- Primary Production.....\$420.73

Payment of Rates by Quarterly Instalments

That pursuant to Section 181 of the Act that the payment of rates may be made by four (4) approximately equal instalments, the first of which shall be due on 2 September 2025, the second on 1 December 2025, the third on 2 March 2026 and the fourth on 1 June 2026.

Dated: 10 July 2025

KELLY WESTELL
Chief Executive Officer

TATIARA DISTRICT COUNCIL*Adoption of Valuations and Declaration of Rates*

Notice is hereby given that the Tatiara District Council at its Special Meeting held on 24 June 2025 resolved the following:

Adoption of Valuations

To adopt for rating purposes the most recent valuations of the Valuer-General available to the Council of the capital values of land within the Council area, totalling \$5,317,291,860, comprising \$5,240,770,640 in respect of rateable land and \$76,521,220 in respect of non-rateable land.

Declaration of Differential General Rates

To declare differential general rates on rateable land within the Council area according to the use of the land as follows:

- 0.295784 cents in the dollar in respect of all rateable land with land use categories (a) (Residential), (h) (Vacant Land) and (i) (Other).
- 0.325315 cents in the dollar in respect of all rateable land with land use categories (b) (Commercial—Shop), (c) (Commercial—office) and (d) (Commercial—Other) (e) (Industry—Light) and (f) (Industry—Other); and
- 0.165418 cents in the dollar in respect of all rateable land with land use category (g) (Primary Production).

Minimum Rate

To fix a minimum amount of \$620.00 payable by way of general rates on rateable land within the Council area.

Regional Landscape Levy

To declare a separate rate based on a fixed charge on rateable land in the area of the Council and in the area of the Board of:

- \$96.80 in respect of rateable land with land use Categories (a), (h) and (i)
- \$156.40 in respect of rateable land with land use Categories (b), (c) and (d)
- \$225.00 in respect of rateable land with land use Categories (e) and (f)
- \$410.80 in respect of rateable land with land use Categories (g)

Community Wastewater Management Schemes

To impose service charges on all land within its area to which Council provides or makes available the Community Wastewater Management System varying according to whether the land is vacant or occupied:

Bordertown CWMS	Vacant Land	\$184.00
	Occupied Land	\$400.00
Keith CWMS	Vacant Land	\$184.00
	Occupied Land	\$400.00
Mundulla CWMS	Vacant Land	\$184.00
	Occupied Land	\$400.00
Wolseley CWMS	Vacant Land	\$184.00
	Occupied Land	\$400.00

Waste Management and Recycling Collection Annual/Service Charge

To declare an annual service charge of \$515.00 based on the nature of the service in respect of all land to which it provides or makes available the service of a 3 bin Garbage, Green Waste and Recycling Collection Service.

Dated: 10 July 2025

A. CHAMPNESS
Chief Executive Officer

DISTRICT COUNCIL OF YANKALILLA*Adoption of Valuation and Declaration of Rates 2025-2026*

Notice is hereby given that the District Council of Yankalilla at its meeting on 24 June 2025 for the financial year ending 30 June 2026:

1. Adopted for rating purposes the Valuer-General's valuations of capital values applicable to land within the Council area totalling \$4,212,264,780 of which \$4,118,655,260 is for rateable land.
2. Declared differential general rates based upon the use of the land as follows:
 - (a) Residential: 0.367981 cents in the dollar;
 - (b) Commercial-Shop: 0.367981 cents in the dollar;
 - (c) Commercial-Office: 0.367981 cents in the dollar;
 - (d) Commercial-Other: 0.367981 cents in the dollar;
 - (e) Industry-Light: 0.367981 cents in the dollar;
 - (f) Industry-Other: 0.367981 cents in the dollar;
 - (g) Primary Production: 0.367981 cents in the dollar;
 - (h) Vacant Land: 0.496774 cents in the dollar; and
 - (i) Other: 0.367981 cents in the dollar.
3. Imposed a minimum amount of \$1200.00 in respect of each separate piece of rateable land in the Council area.
4. Declared a separate rate of 0.009579 cents in the dollar on capital value on all rateable land in the Council area to recover the amount of \$393,244.00 payable to the Hills and Fleurieu Landscape Board.

Instalments are due on the following dates:

- 1 September 2025
- 1 December 2025
- 2 March 2026
- 1 June 2026

Dated: 10 July 2025

NATHAN CUNNINGHAM
Chief Executive Officer

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

Notices must be emailed by 4 p.m. Tuesday, the week of publication.

Submissions are formatted per the gazette style and a proof will be supplied prior to publication, along with a quote if applicable. Please allow one day for processing notices.

Alterations to the proof must be returned by 4 p.m. Wednesday.

Gazette notices must be submitted as Word files, in the following format:

- Title—the governing legislation
- Subtitle—a summary of the notice content
- Body—structured text, which can include numbered lists, tables, and images
- Date—day, month, and year of authorisation
- Signature block—name, role, and department/organisation authorising the notice

Please provide the following information in your email:

- Date of intended publication
- Contact details of the person responsible for the notice content
- Name and organisation to be charged for the publication—Local Council and Public notices only
- Purchase order, if required—Local Council and Public notices only

EMAIL: governmentgazettesa@sa.gov.au

PHONE: (08) 7133 3552

WEBSITE: www.governmentgazette.sa.gov.au

All instruments appearing in this gazette are to be considered official, and obeyed as such